



**221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-9166-2025 (O&M)
Date of decision : 21.02.2025**

Sanjay

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Navmohit Singh, Advocate
for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

Mr. Ashwani K. Vaishnav, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.62 dated 02.06.2024 under Sections 148, 149, 302, 323, 342 and 506 of IPC, registered at Police Station Mohana, District Sonapat.

2. Succinctly, facts of the case are that the FIR in the present case was registered on the statement of Ajmer son of Ramkishan. It was alleged that on 31.05.2024, his eldest brother Subhash had a quarrel with their neighbourer Ishwar son of Rammehar. However, the compromise regarding the same was arrived at on the very same day. On 01.06.2024 at about 10:00 PM, his brother was walking in the street after having food and as Ishwar was holding grudge, he, Himanshu, Honey, Neelam, Sanjay (petitioner) his wife Bebi, Bunty and Ishwar's younger sister namely, Sheela @ Sushila Devi after conspiring, attacked Subhash with sticks and other sharp weapons. He was dragged inside their house. He and Gaurav entered into Ishwar's house to get Subhash released. Everyone started



beating Subhash. On raising alarm, the neighbourers also gathered. They got them released however, Ishwar and others were threatening to kill him. They shifted their brother and nephew Gaurav to Sonapat for treatment. However, the Doctors declared his brother Subhash dead. Request was made to take legal action against the accused. On registration of the FIR, investigation commenced. The postmortem of the dead body was conducted and statements of the witnesses were recorded by the investigating agencies. Petitioner was arrested on 02.06.2024. He approached before learned Additional Sessions Judge, Sonipat praying for grant of bail however, after hearing counsel for both the sides, it was declined vide order dated 30.01.2025. Hence, being aggrieved, petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that petitioner has been falsely implicated in this case. He submits that as per the allegations, petitioner alongwith others attacked Subhash with sticks and other sharp weapons, who suffered serious injuries and was taken to the Hospital at Sonapat but was declared dead. He submits co-accused of the petitioner, namely, Sheela @ Sushila Devi and Neelam, have already been granted the concession of regular bail by this Court vide orders dated 19.12.2024 and 07.02.2025 passed in CRM-M-63107-2024 and CRM-M-6265-2025, respectively. He further submits that co-accused Honey Kumar though juvenile was also granted regular bail by this Court vide order dated 23.01.2025 passed in CRR-107-2025. He submits that petitioner even otherwise has not been alleged to have committed any overt act in the alleged incident. It is submitted that petitioner is behind bars since the date of his arrest and there being no



case made out against him, his incarceration is totally unwarranted.

4. Learned counsel for the complainant has also vehemently opposed the submissions made by learned counsel for the petitioner and has stated that the petitioner is involved in a heinous crime and as such he is not entitled to be released on regular bail.

5. Learned State counsel has opposed the submissions made by learned counsel for the petitioner. He has submitted that petitioner is specifically named in the FIR who was a part of the unlawful assembly. He submits that all the accused had dragged the deceased inside their house and thereafter, caused injuries to him which resulted in his death. He has not denied the fact that the co-accused of the petitioner, namely, Sheela @ Sushila Devi, Neelam and Honey Kumar (juvenile), have already granted the concession of regular bail vide orders dated 19.12.2024, 07.02.2025 and 23.01.2025, passed by this Court in CRM-M-63107-2024, CRM-M-6265-2025 and CRR-107-2025, respectively. Custody certificate of the petitioner has produced in the Court.

6. After hearing counsel for the parties and perusing the record, it is deciphered from the facts of the case that petitioner though has been named in the FIR however, no overt act has been alleged against him. This Court would refrain itself from commenting anything on the merits of the case. The custody certificate of the petitioner has been placed on record, which reveals that the petitioner is not involved in any other case. Co-accused of the petitioner, namely, Sheela @ Sushila Devi, Neelam and Honey Kumar (juvenile), have already granted the concession of regular bail vide orders dated 19.12.2024, 07.02.2025 and 23.01.2025 respectively. Perusal of the custody certificate produced in the Court, shows that the petitioner has undergone incarceration of 08 months and 19



days.

7. The Court would refrain itself from commenting anything on merits of the case as the same would lie in the domain of the trial Court. Rival contentions raised by counsel for the parties would be assessed by the trial Court only on weighing the evidence led by both the sides. However, in the overall facts and circumstances, it is apparent that the co-accused of the petitioner, namely, Sheela @ Sushila Devi, Neelam and Honey Kumar (juvenile) have already been granted bail by this Court. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned Counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

21.02.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No