

2025:PHHC:064531



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

**CRM M-9953 of 2025 (O&M)
Date of Decision: 12.05.2025**

Subhash		...Petitioner
	Versus	
State of Haryana		... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Deepak Kumar Jain, Advocate and
Mr. Akshay Jain, Advocate, for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 483 of the B.N.S.S. 2023 with a prayer to grant concession of regular bail to him in case FIR No.282 dated 07.10.2023 registered under Sections 120-B, 201, 302, 328, 34 and 506 IPC at Police Station Nathu Sarai Chopta, District Sirsa.

2. The FIR was initially registered against Rekha Rani, Subhash (petitioner) and Sandeep on the basis of the complaint moved by Amandeep son of Gurdayal Singh. As per the complainant,

Pushpa was his sister and Sandeep was his brother. Sandeep and Rekha had performed love marriage in the year 2012 and for the last about 2 years, they were living near the milk plant. In December 2022, Rekha met Subhash (petitioner) son of Dharampal in a marriage and later on, they developed illicit relations. Due to this, Rekha had differences with her husband Sandeep and she used to extend threats to her husband. In the meantime, Subhash (petitioner) and his friend Sandeep son of Krishan started visiting the house of his brother Sandeep. Subhash (petitioner) and Sandeep son of Krishan also developed good relations with his brother Sandeep (since deceased). About one month prior to the accident of Sandeep (since deceased), he had told the complainant that his wife Rekha had illicit relations with Subhash (petitioner) and Sandeep and they could kill him. On 04.09.2023, the said accused conspired and had wrongly shown that his brother Sandeep met with an accident. Sandeep remained unconscious for 3/4 days and later on, he died due to the injuries suffered by him. On 24.09.2023, the condition of Sandeep deteriorated and Sandeep and Rekha got him hospitalized. At about 11.00 p.m., Rekha, Subhash (petitioner) and Sandeep mixed some substance in the milk and served it to Sandeep. After consuming milk, his brother Sandeep became unconscious and was declared dead in day time on 25.09.2023. Later on, Rekha, Sandeep son of Krishan and Subhash (petitioner) forced the complainant not to get the postmortem of the body conducted and cremation of the dead body was

performed. After the death of his brother Sandeep, Rekha and Shubhash (petitioner) were used to chat on instagram continuously and the complainant picked the phone of accused on suspicion on 02.10.2023 and checked the instagram account and the screen shots were taken by him. In fact, Rekha and Subhash (petitioner) had a conversation with regard to the present occurrence as well. After 12 days of the death of Sandeep, his family members asked Rekha about the matter between her, Sandeep and Subhash (petitioner) and on this Rekha denied her role and demanded her share in the land and plot. Rekha also extended threats to the other family members as well. With these broad allegations, the FIR in the present case was got registered by the complainant.

3. Learned counsel for the petitioner vehemently contends that the petitioner has been falsely involved in the present case, without any legally admissible evidence. Even, the FIR was got registered by the complainant after 7 days of the occurrence. Further, it has been falsely alleged that in pursuance of a criminal conspiracy, the deceased was administered some poisonous substance in the milk, in the night of 24.09.2023, which allegedly resulted into his death on 25.09.2023. However, no postmortem on the dead body of Sandeep was conducted and the doctors had prepared the postmortem of ashes and burnt bones. Even, as per the said postmortem report, the cause of death be given after the receipt of chemical examination report

from RFSL, Hisar, which has not been received so far. Thus, there was no evidence, which may suggest that the death resulted on account of poisonous substance. He further contends that the petitioner was arrested in the present case on 12.10.2023 and is in custody for the last more than 01 year and 07 months. The challan has already been presented against the petitioner and the trial may not conclude soon. He further submits that similarly placed co-accused Sandeep has been granted the concession of bail by this Court vide order dated 17.12.2024 (Annexure P-3).

4. On the other hand, learned State counsel assisted by the learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is the main accused and was in touch with his co-accused regularly.

5. I have heard learned counsel for the parties and perused the record.

6. It is an admitted fact that three co-accused, namely, Bhagwan Ram @ Sethi, Ravinder Kumar and Sandeep have been granted the concession of bail by this Court. Further, in the present case, the postmortem was conducted on the ashes and burnt bones only and the prosecution is yet to lead the evidence to prove the cause of death in the present case. The petitioner is in custody for the last

more than 01 year and 06 months and the trial may not conclude in near future.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

12.05.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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