



235

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

CRM-M-13809-2025

Date of decision : 20.05.2025

Jai Bhagwan**....Petitioner**

versus

State of Haryana**..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Vinod Ghai, Senior Advocate with
Mr. Arnav Ghai, Advocate and
Mr. Raman Bagga, Advocate for the petitioner.

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

Mr. Rajesh Duhan, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.238 dated 08.09.2023, under Sections 323, 506 and 341 read with Section 34 of IPC (offence under Sections 120-B, 201 and 302 of IPC added later on and offence under Section 149 and 148 of IPC deleted later on), registered at Police Station Sanoli, District Panipat.

2. Succinctly the facts of the case are that the present case was registered on the statement of complainant, Ram Mehar. It was alleged that two daughters of his Uncle got married to two sons of Ramesh, namely, Tejinder and Joginder in village Balana. Ram Niwas and Joginder were relatives and regarding this matter, Ram Niwas had a grudge against them. On 31.08.2023, Ram Niwas and Joginder encircled his Uncle in the fields and threatened him. They hatched a conspiracy on 06.09.2023 at



around 10:00 a.m. when his uncle was going to his residence. Ram Niwas exhorted to kill him. On hearing Ashok S/o Ram Niwas, who was armed with an axe and Jai Bahgwan S/o Ramdhari was armed with *jelly*, Ram Niwas was armed with *lathi*, Sunita wife of Jai Bhagwan armed with *Danda*, Puja wife of Ashok was also armed with a *danda* and 3-4 other persons with covered faces approached there. All of them in a well hatched conspiracy attacked Radhey Shyam of their village with intention to kill him. Ashok gave blow on the head of his Uncle with an axe and on hearing the cries of his uncle, he reached at the spot to save him. The accused attacked him as well and he received severe injuries on his head and body. They were then shifted to the Civil Hospital Panipat. Due to the severe injuries, the doctors referred them to PGI, Khanpur and from there they brought there Uncle to Prem Hospital, Panipat, whose condition remained serious. The request was made to take legal action against the culprits. On registration of FIR, investigation commenced. The petitioner was arrested on 10.03.2024. However, during treatment the injured Radhey Shyam succumbed to the injuries on 28.09.2023. The offence under Section 302 IPC was added in the FIR. The petitioner approached the Learned Trial Court, Panipat, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Trial Court, Panipat vide order dated 27.02.2025. Aggrieved by the same, the petitioner is before this Court praying for grant of bail by way of filing of present petition.

3. Learned Senior counsel for the petitioner has vehemently contended that the petitioner though named in the FIR, however, he was alleged to be armed with a jelly and allegedly he had given injuries to the complainant, namely, Ram Mehar. He submits that as per the MLR, the



deceased Radhey Shyam had been found to have suffered 02 injuries, one on the Parietal Region and second on the left eyebrow. Whereas, complainant, Ram Mehar had been found to have suffered one injury i.e. on the Parieto Occipital Region. He submits that as per the opinion of the doctors, the injuries suffered to the deceased were not possible with the weapon the petitioner was alleged to have been armed with but they were possible with the weapons the co-accused Ashok had armed with. It is submitted that from the case of the prosecution itself, it is apparent that the petitioner had not caused any injury to the deceased but to the witnesses/complainant Ram Mehar. He submits that the offence under Sections 148 & 149 of IPC i.e. of unlawful assembly, has also been deleted during investigation. Learned Senior counsel further submits that admittedly the occurrence in the present case had taken place on 06.09.2023 whereas the deceased died on 28.09.2023. He submits that there is no material to show that the deceased remained unconscious/unfit throughout the 22 days. He submits that there is no material even to show that the prosecution had made any effort to record the statement of the deceased. It is submitted that from the investigation conducted, the petitioner had been tried to be roped in for an offence under Section 302 IPC but from the facts and circumstances, the *prima facie* under Section 302 IPC i.e. the culpable homicide amounting to murder, is also not made out. It is submitted that investigation is completed and charges are framed and thus, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner and submits that the petitioner was specifically named in the FIR who was duly armed with a *jelly*. He submits that the petitioner with a common intention with co-



accused had open attacked upon the complainant and the deceased and thus, he had played an active role for the commission of a grievous offence and thus, he does not deserved the concession of bail. He has drawn the attention of this Court to the status report filed and has submitted that the deceased remained unconscious upto 11.09.2023 and thereafter he was referred to PGI, Rohtak. He submits that petitioner was armed with *jelly* and he had caused injuries to the complainant as well on whose statement the FIR was registered. He submits that the petitioner had a common intention to eliminate the deceased, thus, he does not deserves the concession of bail. He, on instructions has submitted that the challan is presented and charges are framed, however, out of total 25 prosecution witnesses, no witnesses has been examined so far. He has placed on record the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the occurrence in the present case had taken place on 06.09.2023, whereas the deceased Radhey Shyam succumbed to the injuries on 28.09.2023. The petitioner was alleged to be armed with a jelly where he was alleged to caused injury to the complainant Ram Mehar. As per the prosecution case, no injury had been caused to the deceased by the petitioner. Initially the FIR in the present case was registered for the offences under Section 323, 506, 341, 148 & 149 of IPC but on the death of Radhey Shyam, offence under Section 302 IPC was added. It is apparent from the facts that the deceased succumbed to the injuries after 22 days. From the record, it is also evident that there is no statement of the deceased recorded by the prosecution. The custody certificate produced would so that the petitioner is behind bars from last 01 year and 02 months. Custody certificate further reflects that the petitioner has no



criminal antecedents.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, 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. 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

20.05.2025

ps-I

(RAJESH BHARDWAJ)

JUDGE

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