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2025:PHHC:052739



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17246-2025
DECIDED ON: 24.04.2025

RAVINDER CHAUHAN

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Balraj Gujjar, Advocate and
Ms. Shweta Bawa, Advocate for the petitioner.

Mr. Baljinder Singh Virk Sr. DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 483 BNSS.2023, seeking regular bail in FIR No. 210, dated 12.07.2024 (Annexure P-1), under Sections 109(1), 351 (3) BNS & Section 25(1B)(a),27(2) of Arms Act registered at Police Station Mundkhati, District Palwal (Haryana).

2. Facts

Facts as narrated in the FIR reads as under:-

“To the SHO, Police Station Mundkati, District Palwal. Sir, it is submitted that I, the applicant Satyawati, wife of Subhash, resident of village Aurangabad tehsil and district Palwal and am a housewife. I have two children, elder son namely Praveen, aged 22 years, and a daughter, Aarti, aged 21 years. My husband (Subhash, son of Teki @Tek Chand, resident of village Aurangabad tehsil and district Palwal, Haryana) a grudge has been going on for the last nine years and I have filed a maintenance case in the court at Palwal, my

husband Subhash, son of Teki alias Tekchand, lives in a separate house with his brother Omprakash and sister-in-law Hemlata, which is about one acre of ancestral land in the name of my husband Subhash, which he used to give on lease and when I and my sons when Praveen asked him to plough the land and sow, my husband did not listen to us and he flatly refuse to the same. On 11.07.24, at around 7:00 pm, I went to the fields with my son Praveen and there I saw my husband Subhash, brother-in-law, Omi, ploughing my husband's land and when we refused to plough the fields in this regard, the person driving the above mentioned tractor, Dharampal son of Karan Singh alias Kanni, resident of Aurangabad Tehsil and District. Palwal Haryana did not listen to us and he kept ploughing the fields at the behest of my brother-in-law and husband and when we objected, Dharampal, who was driving a tractor at the behest of my husband and brother-in-law, tried to crush us with his tractor, but we somehow escaped from there, then there my husband Subhash, brother-in-law Omi alias Omprakash, sister-in-law Hemlata and Dharampal, all of them, in a well-conceived conspiracy, killed me, the applicant and my son. They started abusing me and they did not listen to us and on the advice of my husband brother-in-law Dharampal, my sister-in-law started beating me and as soon as my son tried to save me from my sister-in-law, all the above mentioned people started beating us and my husband Subhash, Omi, Dharampal said to kill them today so that the root of the fight will end. On the advice of my husband Subhash, brother-in-law Omi, Hemlata, Dharampal, Ravindra's son Shri Omi alias Omprakash took out an illegal weapon from his pocket and in a rage shot my son Praveen with the intention of killing him. The bullet fired by Ravindra hit my son Praveen on his neck and as soon as the bullet hit, my son Praveen fell on the ground. As soon as my son Praveen fell on the ground, all the above mentioned culprits ran away from there. Therefore, sir, I request you to take the strictest legal action as soon as possible against the culprits responsible for the loss of life and property of me and my children, for which I, the applicant, will always be grateful to you. It will be so kind of you. SD Satyawati Applicant: Satyawati wife Shri Subhash resident of village Aurangabad tehsil and district Palwal Haryana mobile no. 8307989346.”

3. Contentions:**On behalf of the petitioner**

Learned counsel for the petitioner has vehemently argued that he has been falsely implicated in the present case and in fact there is civil litigation pending between the complainant and her husband who wants to grab the land of the petitioner's uncle (husband of the complainant), and the real aggressors were the complainant party.

On behalf of the State

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. As per the custody certificate, it is evident that the petitioner has suffered incarceration for a period of 9 months and 3 days, as of now. He prays for dismissal of the present petition stating that the petitioner has been attributed a gun shot injury at the neck of the injured, which is a vital part of the body, hence, Section 109 BNS would be attracted. Moreover, there is also a recovery of pistol along-with empty cartridge, therefore, it can not be said that the petitioner is not involved in commissioning of offence.

4. Analysis

As per the prosecution story the petitioner had fired a shot from his pistol which passed away while touching the neck and the injury is superficial. Moreover, at the time of spot inspection no empty cartridge was found, which creates a dent in the prosecution story. Further more, the injury attributed to the present petitioner has been declared simple. The petitioner has suffered incarceration for a period of 9 months and 3 days, as of now and is not involved in any other case of any nature whatsoever, as is evident from the custody certificate. This very fact is sufficient to convince this Court that the petitioner seems to be a person of clean antecedents added with the fact that after framing of charges on 28.11.20224, out of total 21 prosecution witnesses, none has been examined till

date, which is sufficient for this Court to infer that conclusion of trial would take certainly long time, no useful purpose would be served by keeping the petitioner behind the bars for an indefinite period, which would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying the judgment of the Apex Court passed in *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131*.

5. Relief

In view of the discussions made hereinabove, the petitioner is hereby directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

In the afore-said terms, the present petition is hereby allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

24.04.2025
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>