

CRM-M-19014-20231

2025 PHHC 013670

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-19014-2023
Date of Decision:-29.01.2025

PAWAN KUMAR

... PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Nayandeep Rana, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

Ms. Rajni Bala, Advocate, for
Mr. Arun Chander Sharma, Advocate for the complainant.

SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 439 of the Code of Civil Procedure the petitioner is praying for regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
541	05.10.2022	109, 148, 149, 302, 323, 325, 326, 506 IPC	Kurukshetra University, Kurukshetra

2. Argument heard.
3. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that he has no concern with the alleged occurrence, in fact he happens to be running liquor vend near the spot where the occurrence took place but has not participated in any way. He contends that the petitioner is



in custody since 14.10.2022 and no specific overt act is attributed to him, as such he prays for grant of bail to the petitioner.

4. *Per contra*, learned State counsel assisted by learned counsel for the complainant has assailed these arguments by referring to the reply submitted by the State to contend that the petitioner alongwith co-accused have been specifically alleged to have caused multiple injuries on the person of the victim Purshotam, as a result whereof he succumbed to the injuries. They contend that there are specific allegations against the petitioner of having given iron rod blow on the deceased causing fracture on his right arm and also causing injury on his chest. They contend that the victim had sustained more than 17 injuries on his person caused by the petitioner and other co-accused and as such he is not entitled to concession of bail.

5. After considering the arguments and perusing the record, it transpires that the instant FIR was registered on the complaint of the deceased Purshotam himself wherein he had stated that on 09.09.2022 at about 9 pm when he returned from dairy then the petitioner under the influence of intoxicant started scuffle with the complainant as a result petitioner was asked to leave. On the next day the complainant went to the petitioner at about 8:30 PM for talk to remove the misunderstanding, the petitioner alongwith other co-accused were sitting in the car outside the liquor vend and the moment he saw the complainant he came out and started abusing besides raising lalkara that he should not be spared today. All the accused were drunk at that time and they started beating the complainant with their respective deadly weapons, co-accused Sanjiv Kumar gave



sword blow on his hand and gave another blow towards his head and when the complainant tried to rescue, had landed on the right hand. The petitioner gave iron rod blow causing right arm fracture and also hit on his chest while accused Anil gave gandasi bow on his left leg, thereafter, the assailants ran away from the spot and injured were shifted to hospital from where he was referred to Kalpana Chawla Medical College, Karnal and then to PGI, Chandigarh and during course of treatment he succumbed to the injuries on 12.10.2022. During course of investigation the accused were arrested and weapons were recovered and challan presented in Court, where it is pending trial.

6. It is observed that the complainant deceased had sustained as many as 17 injuries on his body caused with deadly weapons. The petitioner is alleged to have given iron rod blow on his right arm causing fracture and another blow on the chest of the deceased besides also being instrumental in raising *lalkara*, resulting in ultimate death of the complainant. The trial is already going on to ascertain, criminal liability, if any, of the petitioner. Therefore, considering the serious nature and gravity of offence, no case is made out in favour of the petitioner for grant of regular bail in the present petition, the same is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

29.01.2025

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No