



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-19907-2025
Date of decision: 27.10.2025

GURMEET

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Aman Pal, Senior Advocate with
Ms. Neha Rani, Advocate and
Mr. Rajender Kumar, Advocate
for the petitioner.

Ms. Chhavi Sharma, Asstt. A.G. Haryana
for the respondent-State.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant second petition has been filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail in case bearing FIR No. 568 dated 31.05.2022, registered under Section(s) 307, 323, 34, 447 and 506 of the Indian Penal Code, 1860 (Sections 120-B, 325 and 302 of the IPC were added later on) at Police Station Barwala, District Hisar.

2. The case of the prosecution as mentioned in the order of the trial Court reads thus:-

“Brief facts of the present bail application are on 30.05.2022,

an information through telephone was received from Police Station, Barwala to Police Post, Old Bus Stand, Barwala regarding admission of Raj Kumar son of Ram Sarup in CHC Barwala with the history of assault. On this, ASI Alongwith other police official reached at CHC Barwala and collected ruqqa wherein patient was referred to General Hospital, Hisar. After that, after getting confirmation from the mobile phone number given on the ruqqa regarding admission of injured, ASI Ashok Kumar reached at Churamani Hospital, Hisar and sought the opinion of doctor regarding fitness of injured to make the statement but the injured was unfit to make the statement and thereafter Bansi Lal son of Bhajan Lal, relative of injured met ASI Ashok Kumar and he got his statement recorded to the effect that his Jija (brother-in-law) Raj Kumar alongwith his family was residing in a house constructed in the fields, situated in the area of village Gaibipur. His Jija had purchased half killa land from Anirudh, resident of village Surewala and conveyance deed was executed on 27.04.2022 and his Jija has sown cotton crop. On 30.05.2022, at about 6.30 p.m. Sushil and Gurmeet sons of Anirudh came in the field of Raj Kumar and destroyed the cotton crops by a cultivator. When Raj Kumar and his family members tried to stop them, Sushil Kumar tried to run them over by the tractor and also gave beatings to them with Lathis and Dandas and threatened to kill them. After that, they informed the police at 112 number and police came at the spot. Sushil Kumar fled away from the spot alongwith his tractor. They took Gurmeet in their car in the Police Post. They were writing a complaint outside the gate of Police Post and in the meantime, accused Gurmeet, with an intention to kill his Jija, gave Danda and binda blows on his head. When he (complainant) tried to rescue his brother-in-law, then Gurmeet also gave him Binda blows. He arranged a vehicle and got his brother-in-law admitted in the hospital. On the basis of statement of complainant, a case for commission of

the offences under sections 307, 323, 447 and 506 read with Section 34 IPC was registered. Site was inspected and rough site plan of place of occurrence was got prepared. During investigation Section 120-B IPC was added. On 31.05.2022, accused Gurmeet was arrested. He suffered disclosure statement regarding his involvement in this occurrence. In pursuance of disclosure statement, he got recovered the Binda which was taken into possession vide separate memo. He also got demarcated the place of occurrence. On 04.06.2022, injured Raj Kumar expired and Section 302 IPC was added. During investigation on 20.06.2022, accused Anirudh was arrested. He suffered disclosure statement regarding his involvement in the offence. In pursuance of disclosure statement, he got recovered motor cycle No. HR-20V-3054 which was taken into possession vide separate memo. On 28.06.2022, accused Sushil surrendered in the court and he joined in the investigation and was arrested. He suffered disclosure statement regarding his involvement in this case. In pursuance of disclosure statement, accused got recovered the tractor used in the crime. After completion of investigation, police report under Section 173 Cr.P.C. was prepared and submitted in the court.”

3. Learned Counsel appearing on behalf of the petitioner contends that as per the allegations, the incident in question took place on two occasions. While the first incident took place in the field, the petitioner stalked the complainant, came to the police station and allegedly caused the injury on the deceased's head with the help of danda/binda (wooden handle) lying in the police station. He contends that the petitioner was taken in custody on 31.05.2022 and out of the total 24 witnesses only 14 witnesses have been examined so far. He contends that the petitioner is not involved in any other criminal case. He further submits that as per the medical report,

the deceased left the Churamani Hospital, Hisar, where he was initially under treatment, against medical advice and was admitted to another Hospital, where cardiac complications arose and he eventually passed away. He submits that the possibility of the said cardiac complications being attributable to the injury caused by the petitioner is yet not established and the possibility remains remote, hence, *prima facie*, the issue as to whether offence under Section 302 IPC would be made out or not is debatable. He further contends that the other co-accused, namely the brother of the petitioner, as well as his father have already been granted concession of regular bail and that the said accused have also not abused the concession.

4. Counsel for the respondent-State has filed the status report dated 16.10.2025 by way of affidavit of Sumit Kumar, H.P.S. Deputy Superintendent of Police, Barwala, Hisar in the Court today and the same is taken on record. She on the other hand contends that the specific injury is attributed to the petitioner and a weapon has also been recovered. She, however, does not dispute that the petitioner does not suffer from any criminal antecedents and has already undergone an actual custody of nearly 3 ½ years and that 10 witnesses remain to be examined.

5. I have heard learned counsel appearing on behalf of the respective parties.

6. In view of the facts noticed above and taking into consideration the age of the petitioner and bearing in mind the period of custody, the nature of injury and debateable issues that arise for consideration in the present petition, I deem it appropriate to enlarge the petitioner on regular bail to the satisfaction of the trial Court.

7. The instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.
8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.
9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

OCTOBER 27, 2025
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No