

2025:PHHC:079612



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

264

CRM-M-21366-2025 (O&M)

Date of decision: 04.07.2025

Narender Kumar**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Ashok Kumar Khubbar, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail in case bearing FIR No. 212 dated 03.06.2022, registered under Sections 302, 323 and 506 of IPC at Police Station Ram Nagar Karnal, District Karnal.

2. As per the allegations, on 03.06.2022, on receipt of a telephonic information regarding admission of the present petitioner and Nand Kishore in Kalpana Chawla Govt. Medical College, Karnal due to sustaining injuries in some altercation, a police party reached there. Injured Nand Kishore was opined to be unfit to make statement and the present petitioner was not admitted therein. The statement of complainant Anjna Devi was recorded, who stated that on the night of 02.06.2022, her husband Nand Kishore was sitting in front of his house when the petitioner along with his father Dhan Kumar reached there. There were constrained relations between them. The petitioner stuck a blow with an axe on the head of her husband, whereas co-

2025:PHHC:079612



accused struck blows with a rod. Her husband had fallen down and become unconscious but they kept on assaulting him. On clamour being raised by her, neighbours had reached there and then the assailants fled away while extending threat to their life. On her complaint, initially a case under Sections 323, 506 read with 34 of IPC was registered. Investigation proceedings were initiated. The head injury sustained by Nand Kishore was opined to be dangerous to life. Offence under Section 307 of IPC was added. The victim succumbed to his injuries on 06.06.2022. Post-mortem examination of his dead body was conducted. Accused Dhan Kumar was arrested on 06.06.2022. He suffered disclosure statement admitting his involvement in the crime and got recovered the axe used in the occurrence. Further investigation revealed that the petitioner had not hit the victim. Rather, it was found that the petitioner himself had become unconscious due to being hit by a blow given with an axe by deceased Nand Kishore. His name was kept in Column No. 2 of the challan report and he was not arrested and challaned. Challan was presented against Dhan Kumar only for commission of offences punishable under Sections 323, 302 and 506 of IPC.

3. As further revealed from the record, during trial, the complainant was examined as a witness. Thereafter, an application under Section 319 of Cr.P.C was moved for summoning the present petitioner as an additional accused. The said application was allowed, vide order dated 12.07.2023. The petitioner surrendered on 27.03.2024 and is now facing trial along with the co-accused.

2025:PHHC:079612



4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, it was the deceased, who, accompanied by his wife and brother's wife, had opened an assault upon the petitioner and his father. The petitioner had sustained grievous injuries at the hands of the deceased, his wife and brother's wife. An FIR bearing No. 221 dated 06.06.2022 against the deceased and others, under Sections 323, 324, 307 and 506 read with 34 of IPC was registered. A cancellation report has been prepared in that case but a protest petition has already been filed by the petitioner. The petitioner is in custody since 27.03.2024. Neither his custodial interrogation is required nor any recovery has been effected from him. Recovery of axe was effected at the instance of co-accused Dhan Kumar, which too is a planted recovery. His further incarceration would not serve any useful purpose. As such, it is urged that the petitioner deserves to be released on bail.

5. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Haryana has submitted that the investigation conducted by a police officer of the rank of Deputy Superintendent of Police had revealed that the petitioner had not hit the deceased and his death had occurred due to being hit by co-accused Dhan Kumar. It is, however, argued by him that since the petitioner has been summoned under Section 319 of Cr.P.C. and there are serious allegations against him, therefore, he does not deserve to be extended benefit of bail.

6. I have heard learned counsel for the parties at considerable length and have gone through the material placed on record carefully.

2025:PHHC:079612



7. The petitioner along with co-accused Dhan Kumar, is alleged to have caused fatal injuries to the victim, which resulted into his death on 06.06.2022. Though he was declared to be innocent by the investigating agency but in her sworn deposition, the complainant attributed specific act to him, which is suggestive of his active participation in the crime. The allegations against the petitioner are quite serious in nature. Trial is going on at a proper pace and there is nothing to suggest that there would be any undue delay in conclusion of the same. Keeping in view the gravity of the allegations levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be released on bail, at this stage. Hence, the petition is dismissed.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

04.07.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No