

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

226

1)

CRM-M-23530-2025 (O&M)
Decided on : 20.08.2025

Ramkaran and Another

...

Petitioner(s)

Versus

State of Haryana

...

Respondent(s)

2)

CRM-M-23429-2025

Rakesh Kumar

...

Petitioner(s)

Versus

State of Haryana

...

Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Parminder Singh, Advocate
for the petitioner(s).

Mr. PK Jhanda, Sr. DAG, Haryana.

Mr. Parminder Walia, Advocate
for the complainant.

SANJAY VASHISTH, J. (Oral)

1.
- This order shall dispose of CRM-M-23530-2025 & CRM-M-23429-2025, as both the petitions are interconnected and have arisen out of same FIR. However, the lead case is CRM-M-23530-2025.
2.
- The instant petitions have been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioners, during the pendency of trial, who have been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Ramkaran and Rajbir (petitioner in CRM-M-23530-2025	425	18.10.2024	190, 191(3), 115(2), 118(1), 117(2), 351(3) (later on added 109 of BNS, 2023)	Pundri	Kaithal

Rakesh Kumar (petitioner in CRM-M-23429- 2025)					
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3. The allegation regarding petitioner - Rakesh Kumar (in CRM-M-23429-2025) is that he along with other co-accused, caused injuries to the injured but no specific role has been attributed to him. Subsequently, on the basis of disclosure statement, prosecution built up its case that petitioner - Rakesh Kumar, caused danda blow to Sonu and the said injury was opined as simple in nature.

Further, by referring the copy of MLR dated 18.10.2024, learned counsel submits that petitioner Rakesh Kumar has also suffered injuries and out of the two injuries one is incised wound of the size of 0.8X0.3 CM on left arm. Following injuries are mentioned in the MLR:-

Sr. No.	Injuries	Marked	Injury Number
1.	Lacerated wound of size 6X1 CM on right parietal area of scalp active bleeding present ADV NCCT head and Surgeon opinion.	No	1
2.	Incised wound of size 0.8X0.3CM on left arm ADV X-Ray left arm and ortho opinion.	No	2

4. *Qua* petitioner Ramkaran (in CRM-M-23530-2025), it is submitted that no role of causing any specific injury has been attributed to him. However, as per the disclosure statement, prosecution developed the version that petitioner-Ramkaran caused danda blow to injured Tinku and Joginder and the injuries were declared as simple in nature.

Learned counsel also refers the MLR dated 18.10.2024, whereby, it is explained that petitioner Ram Karan also suffered three injuries and thereon, refers the MLR, wherein following injuries are noticed by doctor:-

Sr. No.	Injuries	Marked	Injury Number
1.	Lacerated wound of size 3.5X0.4 CM middle of scalp active bleeding present ADV NCCT Head and Surgeon opinion.	No	1
2.	Abraded contusion of size 1X1 CM over right forearm ADV x-ray right forearm ortho opinion.	No	2
3.	Swelling and tenderness present over left lower leg anteriorly ADV x-ray left leg ortho opinion.	No	3

5. In regard to the petitioner-Rajbir (in CRM-M-23530-2025), allegation is that he also caused simple danda blows to injured Virender, Joginder and Tinku, however, the injuries were declared as simple in nature. Also argues and refers the MLR dated 19.10.2024 (Annexure P4) and submits that petitioner-himself also suffered two injuries and for reference the same is reproduced hereunder:-

Sr. No.	Injuries	Marked	Injury Number
1.	Lacerated wound of size approx 3X1 CM resented over mid parietal region of head blood dried up and scab present ADV NCCT head and surgeon opinion.	No	1
2.	Lacerated wound of size approx 3X1 CM resented over right parietal region of head blood dried up and scab present ADV NCCT head and surgeon opinion.	No	2

6. Learned counsel for the petitioners further argued that none of the injuries caused by any of the petitioners was found to be serious or grievous in nature. Rather, as per the prosecution's case, it was accused Sandeep Kumar @ Sanju, who caused Gandasi blow on the head of Maina Devi and opinion in regard to the nature of injury being dangerous was given at much belated stage, i.e., on 04.03.2025, covering the offence under Section 307 of IPC (109 of BNS).

Apart from above, it is also argued that at the instance of

petitioners, cross versions, i.e., DDR has been registered by way of FIR No.446, dated 25.10.2024, registered under Sections 115, 118(1), 190, 191(3) 324(4) and 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023 at Police Station Pundri District Kaithal.

7. Learned counsel for the petitioners further contends that both the petitioners are facing incarceration for the period of about 04 months and they are not involved in any other case, except the present one. Besides, none of the injuries are of serious/grievous in nature. Lastly, learned counsel prayed for grant of bail to the petitioners.

8. On the other hand, learned Senior DAG assisted by Mr. Parminder Walia, counsel for the complainant, while opposing the prayer, argues that serious/grievous injury has been caused by their co-accused Sandeep @ Sanju on the head of Maina Devi with *gandasi* and everyone of them responsible equally, as sharing common intention. They, they do not deserve any concession of bail.

9. I have heard learned counsel for the parties and perused the relevant material available on record.

10. While considering the plea of bail, this Court is conscious of the fact that the charges are yet to be proved by the prosecution beyond shadow of reasonable doubt, more for the reason that opinion in regard to the injury under Section 307 IPC, has been given by the concerned Doctor, after a period of about five months, i.e., on 04.03.2025. Till date, none of the injury attributed to the petitioners is found to be serious/grievous in nature and everyone of them has also suffered the injuries, which have been described here-above.

Besides, it is also informed by the learned State counsel that till date, prosecution has not even started the process of recording the statements

of the witnesses. Therefore, in the given circumstances, this Court deems it appropriate to consider the plea of bail of the petitioner.

11. Consequently, prayer made in the present petitions are **allowed**. Petitioners are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate concerned, if not required in any other case.

12. Needless to observe that the petitioners shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

13. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

Petitions stand disposed of.

Pending misc. application(s), if any, also stand disposed of.

Photocopy of this order be placed on the file of other connected case.

(SANJAY VASHISTH)
JUDGE

August 20, 2025
Vishal Vardhan

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