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

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**CRM-M-24039-2025 (O&M)
Decided on: 19.11.2025**

SUSHIL @ SHEELA

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Kamal Deep Sehra, Advocate and
Mr. Saurabh Chaudhary, Advocate for the petitioner.

SUBHAS MEHLA, J. (Oral)

1. The present petition has been filed under Section 439 of Cr.P.C., 1973 seeking grant of regular bail in case bearing FIR No.337 dated 15.06.2024 under Sections 120-B, 302 read with Section 34 of IPC, 1860, registered at Police Station Kharkhoda (Sonipat).
2. Brief facts of the case are that the complainant had a land dispute with his uncle-Sushil and on an earlier occasion, his uncle and his son namely, Mohit had beaten the complainant and his family, and injured head of his mother-Kamla. The aforesaid FIR was registered on the statement of the complainant namely, Sunil son of the deceased namely, Kamla wherein it is stated that on 14-06-24 at around 7.30 PM, his brother namely, Ravi was running tubewell water in his field and after waiting for a long time when his brother-Ravi did not return, the complainant alongwith his wife-Rekha and mother-Kamla (deceased) & his sister-in-law namely, Indu were going towards the field where his



brother Ravi was working. It is further alleged that when they reached the paved road leading to the field, the co-accused, Mohit came from the same road driving his Mahindra tractor. Behind Mohit's tractor were his father-Sushil (the present petitioner) and his mother-Babli. On seeing the complainant, his wife, mother and sister-in-law, present petitioner Sushil instigated Mohit (co-accused) saying that they (complainant-party) and should not be left alive that day. On behest of his father-Sushil, the co-accused-Mohit started driving the tractor towards them with an intention to kill them. However, the complainant, his wife and his sister-in-law Indu moved aside and the co-accused-Mohit ran his tractor over Kamla i.e. the mother of the complainant. While fleeing from the spot, all the aforesaid accused threatened to kill the complainant party. Later on, his mother-Kamla was shifted to PGI, Rohtak for treatment where the doctor declared her dead.

3. Learned counsel for the petitioner contended that the allegation against the present petitioner is under Section 34 and 120-B IPC, 1860 that the petitioner hatched criminal conspiracy with co-accused-Mohit with common intention to murder Smt. Kamla. However, the main allegation is against the co-accused namely, Mohit who was driving the tractor at that time. He further contended that there are material discrepancies in the prosecution case as, in the initial *ruqa* sent by the doctor to the SHO, Kharkoda (Annexure P-2) it is mentioned as a case of road side accident and the deceased was brought to hospital by one Anjali who was not cited as a witness and her statement was not recorded. The FIR is lodged by the complainant, whose presence is also



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doubtful as he has not shifted injured to hospital (Annexure P-1), it is stated therein the complainant along with family member(s) took the deceased to the hospital. Even the FIR has been got registered after a delay of one day. It is also contended that the material witnesses have already been examined in this case and there is no apprehension that after release, the petitioner will tamper with the prosecution evidence.

4. Notice of motion.

5. Mr. Karan Veer Singh, Sr. DAG, Haryana, who is present in the Court, accepted notice on behalf of respondent-State and opposed the concession of regular bail to the petitioner while submitting that present petitioner along with his son (co-accused) namely, Mohit has hatched a criminal conspiracy and his son who was behind the steering wheel ran over tractor upon the deceased-Kamla and thus prayed for dismissal of bail.

6. Heard.

7. Keeping in view the facts and circumstances of the case and contentions of learned counsel for the petitioner that allegation against present petitioner is for criminal conspiracy and common intention; material witness(es) already examined; there is no apprehension that the petitioner would tamper with prosecution evidence; there is discrepancy in the prosecution version qua case of present petitioner as the *ruqa* initially sent by the doctor wherein it was mentioned as a case of road side accident; there is a delay in giving the information to the police; Anjali who shifted the deceased to the hospital in the initial *ruqa* (Annexure P-2) has not been cited as witness and no statement of hers



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has been recorded, the case of the prosecution qua present petitioner is of criminal conspiracy and common intention; hence, the evidence of prosecution regarding common intention is to be meticulously appreciated by the trial Court at an appropriate stage, after adducing evidence from both the parties.

The present petitioner is in custody since 15.06.2024; material witnesses have already been examined in this case; main allegation is against the co-accused, namely, Mohit, who was behind the steering wheel of offending vehicle i.e. Tractor; there is a civil dispute between both the parties; without commenting on the merits of the case, this Court finds merits in the submissions made on behalf of the petitioner and deems it a fit case to grant the concession of regular bail to the petitioner.

8. The instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

9. Nothing observed herein shall be construed as an opinion on the merits of the main case.

(SUBHAS MEHLA)
JUDGE

19.11.2025
Sonia Puri

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO