

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

CRM-M-35336-2024

Reserved on: 14th July, 2025

Pronounced on: 18th July, 2025

Sethi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. M.S. Dua, Advocate for the petitioner.

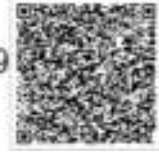
Ms. Sheenu Sura, Deputy Advocate General, Haryana.

Mr. Aditya Sanghi, Advocate and
Mr. Himanshu Garg, Advocate for the complainant.

MANISHA BATRA, J :-

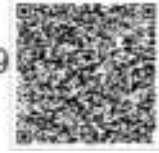
The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 252 dated 14.08.2022 registered under Sections 147, 149, 323, 341 and 506 of IPC (Sections 302 and 307 of IPC added later on) at Police Station Nathu Sari Chopta, District Sirsa.

2. The aforementioned FIR was initially registered under Sections 147, 149, 323, 341 and 506 of IPC on the basis of statement recorded by complainant Roshani Devi, alleging that on 13.08.2022 at about 5:00 PM, the accused Nathu Ram, who was residing in her neighbourhood had come to her house and had proclaimed that he would not allow them to construct a common wall. He stopped the masons to do the construction work while hurling abuses. At the same time, the petitioner along with other accused reached there and they too started hurling abuses to the complainant while



proclaiming that they would not permit her to raise a common wall to the house of the complainant and accused Nathu Ram. The matter was pacified at that time due to intervention of one Rajinder. However, on the same evening, when she along with her son Rajesh Kumar was going towards the house of her mother-in-law, the petitioner accompanied by co-accused reached behind them on two motor bikes and one car. All of them, were armed with weapons and they opened an attack upon the complainant and her son. The rescue alarm raised by them attracted other persons and thereafter, the petitioner and the co-accused fled, while extending threats to kill them. The son of the complainant had sustained serious injuries and was taken to hospital. After registration of FIR, investigation proceedings were initiated. Subsequently, offence under Section 307 was added in view of the medical report of victim Rajesh. He succumbed to his injuries on 19.08.2022. Offence under Section 302 of IPC was added. The petitioner and the co-accused were arrested. The petitioner suffered disclosure statement admitting his involvement in the crime and got recovered one wooden stick and motorcycle used at the time of occurrence. Investigation now stands completed. The petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Even if, the allegations levelled in the FIR are believed, it was accused Bindu, who had given fatal injuries to the victim Rajesh. It is further argued that the victim died due to cardiac arrest and not due to the injuries allegedly sustained by him. No fatal injury has been attributed to the petitioner. He has been in custody since long. Trial



would take considerable time to conclude. He has clean antecedents. His further detention would not serve any useful purpose. Therefore, it is, argued that the petition deserves to be allowed.

4. Status report has been filed. It is argued by learned Deputy Advocate General, Haryana that there are serious and specific allegations against the petitioner, who formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, had caused injuries with *danda* on the head and back of the victim Rajesh. Co-accused Bindu and Jatinder had caused injuries with iron rod and other co-accused also caused injuries. The victim died as a consequence of the injuries. The petitioner was an active participant in the occurrence. The allegations against him are grave in nature. Trial is going on at a proper pace and there is nothing on record to suggest that there would be any undue delay in conclusion of the trial. The material witnesses have supported the prosecution version. With these broad submissions, it is urged that the petitioner does not deserve to be released on bail.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have formed membership of an unlawful assembly and in prosecution of common object thereof, is alleged to have voluntarily caused injuries to the victim Rajesh and to the complainant. The victim Rajesh succumbed to his injuries. Specific act has been attributed to him as he had caused injuries on the head and back of the victim. As per the post-mortem examination report, the victim Rajesh had sustained injury on his head, which was opined to be dangerous at the outset



and death was due to complications of that injury. The head injury has been attributed to the petitioner himself. Even otherwise, he is shown to be actively involved in the occurrence, thereby incurring vicarious liability. So far as the argument that the victim died due to cardiac arrest is concerned, no doubt PW2 Dr. Anil had deposed before the learned trial court that the victim had suffered a cardiac attack and died due to that. However, as per the post-mortem examination report, the death had occurred due to head injury and its complications, one of which could obviously be suffering from cardiac arrest. As such, it cannot be stated at this stage that the death of the victim was not homicidal in nature. Keeping in view the gravity of the allegations as 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 petition does not deserve to be allowed, hence the same is dismissed.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

18th July, 2025
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |