



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

CRM-M No.34374 of 2025 (O&M)

Reserved on :16.09.2025

Pronounced on: 17.09.2025

Manjeet

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued by: Mr.Manvender Chauhan, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, Addl. A.G., Haryana.

Mr. Deepak Kumar Bartia, Advocate for the complainant.

SURYA PARTAP SINGH, J. (Oral):

1. For the commission of offence punishable under Sections 115, 126 and 351 (3) of BNS (Section 103 of BNS, 2023 added lateron), the FIR No.73 dated 26.02.2025, has been lodged in Police Station Gannaur, District Sonipat, Haryana. The petitioner is being prosecuted for the commission of above mentioned offence and he has been arrested. The petitioner is still in custody and, therefore, craving for the benefit of bail. This is first petition, filed by the petitioner, under Section 483 of BNSS for grant of bail.

2. In nut-shell the facts emerging from the record are that the FIR of this case came into being on the statement of Mukesh, the deceased, made before incharge Police Post Khubdu Jhal. In his above mentioned statement, it was stated by the above said Mukesh, hereinafter being referred to as complainant only that he was having some monetary dispute with Manjeet son



of Hariom as he failed to pay the due amount within the time. According to above named complainant on 10.02.2025 when he along with Surendra son of Surja was going to book confectioner for Ravidass Jayanti, Manjeet, i.e. the accused, blocked their way, abused him in foul language, and asked for payment of his money. As per complainant, the above named accused Manjeet punched him on his nose and when he fell down he was thrashed by the accused with kicks and punches. The complainant has further alleged that he regained conscious in Medical Hospital Khanpur, wherein he moved the above mentioned complaint.

3. It is the case of the prosecution that on account of injury suffered by the above named complainant on 10.02.2025, he passed away on 27.02.2025 and, therefore, Section 103 of BNS was added lateron, in the present case, and the accused was arrested.

4. Heard.

5. It has been argued by learned counsel for the petitioner that in the present case the death of complainant had taken place 17 days after the incident and that the above mentioned circumstances coupled with the report of Medical Officer/Board, makes it abundantly clear that all the essential ingredients meant for the constitution of offence under Section 103 BNS are not made out in the instant case. According to learned counsel for the petitioner even if the allegations of prosecution are accepted to be true on their face value, the fact that petitioner had not used any weapon for causing injury on the person of deceased makes it abundantly clear that he did not have any intention to kill the complainant. As per learned counsel for the petitioner,



otherwise also, the petitioner has suffered sufficient incarceration and the trial is proceeding at a snail pace, and that not even a single witness has not been examined, so far. Learned counsel for the petitioner has further argued that nothing is left to be recovered from the possession of the accused and the petitioner has no criminal history and, therefore, he is entitled for the benefit of bail.

6. Per contra, learned State counsel has argued that in the present case the death of complainant is the direct outcome of injury inflicted on his person by the petitioner and therefore, merely on the ground that death of the complainant had taken place 17 days after the incident, does not make the petitioner eligible to claim that his act of causing injuries on the person of complainant, was not responsible for the death of complainant.

7. The record has been perused carefully.

8. A careful perusal of the record shows that in the present case the relevant factors which need to be taken into consideration are:

- (1). that the opinion of the Medical Board with regard to cause of death is of utmost importance. The above mentioned opinion reads as:- As per police request dated 01/05/2025, the opinion regarding cause of death has been given as after perusal of above said documents we are of the opinion that cause of death in this case is Brain Haemorrhage and its complications. The injuries mentioned in the PMR no. PMR/203/2025 dated 27/02/2025 is not fatal to life. However, the brain haemorrhage could be due to pathological regions as there is no external injury was present over the head.



Further in reference to the query mentioned by ASI Ajmer, Belt no. 1307/SPT, P.S. Gannaur, Sonipat regarding injuries mentioned in the MLC/MLR may be sought from the doctor who prepared the MLR;

- (2). that the above mentioned findings recorded by the Medical Board shows that there was no clear finding by the Medical Board that the injuries inflicted by the petitioner were responsible for the death of complainant;
- (3). that another significant factor to be taken into consideration is that petitioner had not pre planned the commission of offence of murder, as the meeting of petitioner and the complainant was a chance meeting and at that point of time the petitioner was not carrying any weapon. Even the injuries inflicted by the petitioner were only punches and kicks;
- (4) that the record reveals that when admitted to hospital the petitioner had regained conscious and therefore, submitted a complaint before the police. The above said event shows that on the day when incident took place the condition of complainant was not serious;
- (5) that the complainant was discharged from the hospital on 14.02.2025 but readmitted on 21.02.2025 and thereafter, he passed away.

10. In addition to above mentioned factors, there are certain other components which are necessary to be taken into consideration for deciding



the present bail petition. Those factors are:-.

- (1) that the petitioner is already in custody for a period of more than 6 months;
- (2) that custody certificate of petitioner placed on record by the learned State counsel shows that the petitioner has no criminal antecedents;
- (3) that nothing is left to be recovered from the possession of petitioner;
- (4) that detaining of petitioner in the judicial lock up is not likely to serve any purpose;
- (5) that trial is not likely to be concluded in near future.

11. If cumulative effect of all the above mentioned factors is taken into consideration it leads to a conclusion that the petitioner is entitled for the benefit of bail.

12. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

Pronounced on:17.09.2025

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No