



224

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

**CRM-M No.34980 of 2025
Date of Decision: 19.11.2025**

Dindar**.....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ***********

Present :- Ms. Neha Bindal, Advocate for
Mr. Khalid Tauru, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana with
Ms. Diya Sodhi, Sr. DAG, Haryana.

Ms. Shweta Bawa, Advocate for
Mr. Naveen, Advocate
for the complainant.

**********RAJESH BHARDWAJ, J. (Oral)**

1. Present third petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.128, dated 01.04.2023, under Sections 148, 149, 323, 452, 506 of IPC (Section 307 IPC added later on), registered at Police Station Hathin, District Palwal.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Hayat Khan. It was alleged that the complainant had taken the pond on lease and was doing the business of fisheries and Dindar (petitioner) had also taken the pond on lease, which was adjacent to the pond of complainant. The



complainant found that Dindar (petitioner) had made a cut in the pipes secretly, which came into his notice as number of fishes started depleting. It was alleged that the complainant objected to the same, then Dindar got infuriated and he came along with his family members. The petitioner was armed with shovel (Fawda) and gave blow of the same on the head of the complainant, due to which, the complainant fell unconscious. Later on, the complainant was shifted to the hospital. Thus, the request was made to take legal action against the accused. On registration of the FIR, the investigation commenced. The petitioner was arrested on 28.10.2024. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Palwal praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Palwal declined the bail application filed by the petitioner vide order dated 03.06.2025. Being aggrieved, the petitioner earlier approached this Court twice by way of filing CRM-M-59435-2024 and CRM-M-15329-2025, however the same were dismissed as withdrawn vide orders dated 17.01.2025 and 25.03.2025. Hence being aggrieved, the petitioner is again before this Court by way of filing the present third petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. She has submitted that the complainant in the present case had died during the trial. She advanced the argument that the ocular version is not medically corroborated. She has submitted that the petitioner has no criminal



antecedents and he is behind bars from last more than 01 year. She has submitted that out of total 07 accused, rest 06 accused are already on bail. She has submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. Learned counsel for the complainant has vehemently opposed the submissions made by learned counsel for the petitioner. She has submitted that there are specific allegations against the petitioner wherein he has given the shovel (*Fawda*) blow on the head of the complainant. However she does not controvert the fact that the complainant has expired during the trial. She has thus submitted that no case for the grant of regular bail to the petitioner is made out and the present petition deserves to be dismissed.

5. *Per contra*, learned counsel for the State has also opposed the submissions made by learned counsel for the petitioner. She has submitted that the petitioner has given the injury to the complainant, which falls under the category of Section 307 of IPC. She, on instructions, has submitted that out of total 47 prosecution witnesses, no witness has been examined as on date and the complainant has expired. She has produced custody certificate of the petitioner today in the Court, which is taken on record.

6. The Court has heard learned counsel for the parties and perused the record with their able assistance.

7. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 28.10.2024.

The complainant in the present case has expired during the trial. Out of



total 47 prosecution witnesses, no witness has been examined. Investigation is complete and charges have been framed. Custody certificate produced would show that the petitioner has suffered incarceration of 01 year and 23 days as on 18.11.2025. It further reflects that the petitioner is not involved in any other case.

8. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

9. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail.

10. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

19.11.2025

<i>rittu</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No