



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-36281-2025
Decided on : 17.07.2025

Hardayal Brahmin @ Hardayal Joshi . . . Petitioner(s)
Versus
State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Dheeraj Narula, Advocate
for the petitioner(s).

Mr. Ashok K. Chaudhary, Addl. AG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has 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
Hardayal Brahmin @ Hardayal Joshi	197	12.06.2021	148, 149, 302, 342, 379-B, 120-B of IPC	Dabwali Sadar	Sirsa

2. Learned counsel for the petitioner contends that after noticing of the facts, almost similarly situated co-accused, namely; Hansraj allegedly armed with rubber pipe, Surrender and Chhinder, allegedly armed with dandas, have already been released on bail, vide common order dated 07.11.2024 (Annexure P-3), passed by the Coordinate Bench of this Court in CRM-M-23804-2023, titled as, “Surender and another v. State of Haryana” and CRM-M-35769-2024, titled as, “Hansraj v. State of Haryana”.

Further submits that since the role assigned to the petitioner is



almost similar and taking note of all the relevant facts including the injuries, three of the accused (aforementioned) have already been released on bail, plea of bail of the petitioner be also treated on parity.

Besides, it is also noticeable that petitioner is inside jail since August, 2024 in the present case.

3. For reference, version of the prosecution, as culled out from paragraph No.4 of the order dated 07.11.2024 (P-3), is reproduced here-under also:-

“4. The prosecution agency in the instant case was set into motion on a complaint made by Mukesh Kumar alias Amit, wherein, he alleged that his brother Naresh alias Dholu, was confined by the petitioners and other co-accused in the house of Dharambir, and where, he was given merciless beatings, with the weapons carried in their hand, which results into as many as 15 injuries to the Naresh Kumar alias Dholu (since deceased), and thereafter, he died during treatment in the hospital. The motive which is alleged in the instant FIR, is that Naresh Kumar alias Dholu was alleged to have an illicit relation with the wife of Dharambir, co-accused non-applicant, and the deceased has also taken Rs 70,000/- from Dharambir as a loan, which he did not return. The relevant extract of the FIR (supra), which has been culled out by the learned Sessions Judge concerned, while declining the relief of regular bail reads as under:-

“As per prosecution version, complainant Mukesh Kumar alias Amit son of Balvir Singh Soni, got recorded his statement to the police alleging that his younger brother Naresh Kumar, who was unmarried, used to work as vegetable vendor in partnership with Dharambir (accused). On 12.06.2021 his brother Naresh Kumar went to the fields along with his mother Roshni Devi on the motorcycle of Dharambir Singh, for fetching green fodder for the cattle. The complainant further submitted that his mother Roshni Devi informed him that Naresh Kumar had received a telephonic call from Tannu (petitioner) wife of Dharambir, who called him at her house. Thereafter, Naresh Kumar, after leaving his mother at the field, went to the house of Tannu, where accused Dharamvir Singh, his wife Tannu, Shyam Sunder, Ramesh sons of Kalu Ram, Hans Raj son of Bala Ram, Dhann Raj son of Mani Ram, Surrender son of Kalu Ram, Chhinder son of Lilu Ram, Sharwan Jakhar and Hardayal Brahman, Kalia son of Om, residents of Chautala, were already present as per the conspiracy and they started thrashing Naresh Kumar at about 9/10-00 A.M. The complainant received a telephonic call from an unknown person that his brother Naresh Kumar had been tied in the house of Dharamvir and the above said persons were thrashing him. On receiving this information, he and his cousin Suresh Kumar reached at the spot. They saw that



Dharamvir armed with a lathi, Shyam Sunder, armed with a Danda, Ramesh, armed with a Ghota, Dhannraj, armed with a Danda, Hansraj, armed with a rubber pipe, Surrender, Chhinder, Sharwan Jakhar, Hardy and Kalia, armed with Dandas were inflicting injuries to Naresh Kumar. Ramesh gave a Ghota blow on the head of Dholu as a result of which Naresh became unconscious. Thereafter, all the assailants told that they had done whatever they wanted. The complainant and his cousin got admitted Naresh Kumar in General Hospital, Chautala, where he succumbed to his injuries. The motive behind the occurrence was that the above said assailants used to accuse Naresh Kumar that his conduct with the wife(Tannu) of Dharamvir Singh was not proper, and Naresh Kumar had to take 770,000/- from Dharamvir Singh which was earlier borrowed by him (Dharamvir). The complainant prayed for taking strict action against the above said assailants.”

4. Besides above, learned counsel for the petitioner further submits that;

- (i) neither any specific injury has been attributed to the petitioner, nor anything has been recovered from the possession of the petitioner, except plantation
- (ii) in the instant case, no motive is attributed to the present petitioner, rather, the motive, if any, is attributed to the co-accused Dharambir;
- (iii) petitioner is inside jail since 27.08.2024 and out of total 22 prosecution witnesses, only one has been examined so far. Therefore, liberty of the petitioner cannot be curtailed for indefinite period.
- (iv) till date, prosecution has not moved an inch since the last two years, therefore, the right to speedy trial, as envisaged under Article 21 of the Constitution of India, has been infringed.

5. On the other hand, submissions made by the learned counsel for the petitioner have been strongly opposed by the learned State counsel. He



submits that the deceased has suffered as many as 15 injuries, and the instant case is an eye witness account, where, it is alleged that all the accused persons have caused injuries with their respective weapons, which they were carrying in their hands at the time of commission of crime.

Therefore, petitioner cannot seek the relief of regular bail, solely on the ground, that no specific injury is attributed to him. Learned State counsel further informs the Court that the final report in this case was filed way back on 9.9.2021, and charges were framed on 5.10.2021 and till date only one prosecution witness has been examined, out of total 22 witness cited by the prosecution in its final report.

However, learned State counsel submits that keeping in view the nature of offence and the role assigned to the petitioner in the crime, he does not deserve any leniency and prays for dismissal of the present petition.

6. This Court has considered the rival submissions made by the learned counsel for the parties, and also gone through the case file.

7. In the instant case, though there are specific allegations that the petitioners along with other co-accused have caused injuries to the deceased, however, considering the fact that petitioner is inside jail since 27.08.2024, and till date only one prosecution witness has been examined so far, out of a total 22 witnesses cited by the prosecution. Besides, it is also noticeable that three of the aforementioned co-accused have already been granted concession of regular bail by the Coordinate Bench of this Court.

Therefore, considering the role attributed to the present petitioner, the motive as discussed here-above, and the days of incarceration suffered by the petitioner, and the stage of the trial, this Court deems it appropriate to extend the benefit of regular bail to the petitioner.



8. Consequently, prayer made in the present petition is **allowed**.
Petitioner is ordered to be released on bail, subject to his 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.

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

10. The observation made here-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.

11. Petition stands **disposed of**.

12. It is made clear that in case the petitioners, after getting the relief of regular bail, tried to adopt any delaying tactics by not appearing on each and every date, without most compelling circumstances, the petitioners would be dis-entitled in future, for seeking regular bail in the instant case, till the final disposal of the trial.

(SANJAY VASHISTH)
JUDGE

July 17, 2025

J.Ram

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