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(224)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38986-2025

Date of Decision: 11.09.2025

UMESH YADAV

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Manjot Singh Rai, Advocate
for the petitioner.

Mr. T.P. Singh, Sr. DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.173 dated 13.10.2024 registered under Sections 103(1), 3(5) BNS, 2023 and (Sections 190, 191(3), 115(2), 118(1), 324(4), 351(2) BNS, 2023 added later on), at Police Station Sector 20, District Panchkula.

2. The present FIR came to be registered at the instance of Chaman Prakash S/o Ramesh Kumar and the same reads as under:-

“Statement of Chaman Prakash son of Ramesh Kumar resident of Village lehrawan, P.S. Vahjoyi, District Sambhal, Uttar Pradesh presently tenant in House No. 216, Ashiana Complex, Sector 20, Panchkula, District Panchkula aged 25 years mobile No. 84494-69765 Stated that I am residing at the above referred place. We are three brothers. Elder one is Pardeep younger to him is Sonu and I am the youngest one. Pushpinder son of Prem Pal resident of village Machkedha, P.S. Behjoyi, District Sangal, UP presently

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residing at House No. 219, Ashiana, Sector 20, Panchkula, aged about 25 years is son of my brother in law's brother in law. He is residing in our neighbourhood.

Pushpinder earns his livelihood of his family by plying e-rikshaw in Panchkula. Today on 12.10.2024 myself and Pushpinder were going to see Dusshera function in Sector-15 Panchkula with our families in our e-rikshaw we started at 05:30 PM in my e-rikshaw myself, my brother's wife Nanni and other members of my family were sitting, I myself was driving the e-rikshaw. Pushpinder, his wife Preeti and his brother sister were sitting in his rikshaw. At about 05:45 the rikshaws reached near Amar Chownk lights. When we reached about 100 meters beyond the chownk the driver of truck No. HP69A-4854 stopped all of his sudden by applying brakes. I applied breaks to my e-rikshaw immediately but still it struck with the truck. Its front portion was damaged myself and other members of my family suffered injuries. Pushpinder who was going ahead of my e-rikshaw gave call to me at my mobile No. 84494- 69765 from his mobile 9878929847 to enquire for my whereabouts. I told him that my rikshaw has met struck at the back of a truck. On hearing this Pushpinder came to the place of accident on his e-rikshaw by taking u turn, parked his rikshaw on one side and came to me. The other occupants of his rikshaw also came near us. Some young boys also came there on motorcycle. Pushpinder then went in front of the truck the unknown numbering 3-4 motorcyclist taking Pushpinder to be its driver gave beatings to him. One young man with a weapon having pointed front gave injury to Pushpinder on his back towards left and the second young man gave a blow of wodden plan on the head of Pushpinder. He was also given stone injuries. At that time Guddi sister of Pushpinder's father and Nanni also came near him and tried to save him from the young man. The young boys also gave beatings to them by taking chance, the truck driver ran from there. Many passers-by and other persons collected at the spot by seeing those persons having been collected there 3-4 young boys ran

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away from the spot on their motorcycle. Injured Pushpinder were removed to a Government Hospital, Sector 6 Panchkula in a private hospital by a Guddi and Nanni for his treatment. There the doctor declared injures Pushpinder to be dead. The motorcyclist numbering 3/4 gave injuries to Pushpinder wife with sharp weapon having pointed front and stones on account of which Pushpinder died. Those unknown young boys may be traced so as to take legal action against them and justice may got done to us.

Sd/- Chaman Prakash mobile No. 84494-69765.”

3. The learned counsel for the petitioner contends that the petitioner has not been named in the FIR. He has been named in the disclosure statement of his co-accused namely Kishan. As per the prosecution case Kishan and Chottu were arrested and have been identified by the eye-witnesses. There has been a recovery of bloodstained clothes, motorcycle and knife used in the offence from the said accused. So far as the present petitioner is concerned, no incriminating articles has been recovered from him. As the petitioner is in custody since 17.10.2024 but none of the 35 prosecution witnesses has been examined so far, the trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

4. An affidavit dated 08.09.2025 by way of an affidavit of Ajit Singh, Asstt. Commissioner of Police, Panchkula has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that as per the Call Detail Records (CDR) of the phone bearing No.9915755254 the petitioner was present at the time of the occurrence and therefore, his culpability stands established. He,



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however concedes that the petitioner is not named in the FIR, in custody since 17.10.2024 and that none of the 35 prosecution witnesses has been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 17.10.2024 but none of the 35 prosecution witnesses has been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and petitioner-Umesh Yadav S/o Shailendra Yadav is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

9. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

10. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.25,000/- and deposit the same with the Trial Court. The same

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would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

11.09.2025

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No