



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-44520-2024

Reserved on: 30th October, 2025

Pronounced on: 6th November, 2025

Virender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. S.K. Garg Narwana, Senior Advocate with
Mr. Vishal Garg Narwana, Advocate and
Mr. Akshay Laller, Advocate for the petitioner.

Mr. Apoorv Garg, Additional Advocate General, Haryana.

Ms. Tejaswani, Advocate for
Ms. Khyati Oberoi, Advocate for the complainant.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 223 dated 16.08.2023 registered under Sections 148, 149 and 302 of IPC at Police Station Uchana, District Jind.

2. As per the allegations, on 16.08.2023, on receipt of an information regarding admission of one Naresh Kumar at General Hospital, Jind, due to injuries sustained in some altercation, a police party reached there. It was informed that the victim had been referred to some higher hospital and then intimation qua his death had been received. FIR was



registered on the basis of statement recorded by the complainant Hitesh Kumar, brother of the victim Naresh alleging that on the evening of 15.08.2023, the victim had gone to his fields at village Dabar to water them. At about 9:00 PM, the complainant had gone to the fields to provide meals to the victim. He heard some noises, on reaching near the fields, he found that his brother was lying in an injured condition and was making the rescue calls. On asking, the victim disclosed to the complainant that the petitioner along with the co-accused Vishal, Deepak, Mojit, Gaurav and some nephews of the petitioner had assaulted him and caused injuries with *danda* and *bindas*. The complainant also saw all of them while fleeing from the spot by carrying *dandas* in their hands. The injured was rushed to the hospital but had died. After registration of FIR, investigation proceedings were initiated. Post mortem examination of the dead body and inquest proceedings were conducted. The cause of death was opined to be the complications having arisen out of the multiple injuries sustained by the victim which were ante mortem in nature and sufficient to cause death in the ordinary course of nature.

3. As per the further allegations, the petitioner along with the co-accused Vishal and Mojit was joined into investigation on 20.08.2023 and was formally arrested. He suffered disclosure statement admitting his involvement in the crime and demarcated the place of occurrence. The co-accused were also arrested. Investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of the aforementioned offences.

4. It is argued by learned counsel for the petitioner that he has



been falsely implicated in this case. There is inordinate and unexplained delay in lodging of the FIR which has not been explained and which has caused a doubt over the truthfulness of the prosecution story. No specific injury or weapon has been attributed to the petitioner. In fact, he was not even present at the spot. A false recovery of *danda* and motor bike has been planted upon him. The injuries sustained by the victim were not on vital part of the body. No motive has been attributed to him. He is in custody for a period of over two years and two months. The trial will take considerable time to conclude. His continued detention would not serve any useful purpose. He has clean antecedents. It is, therefore, urged that he deserves to be released on bail.

5. *Per contra*, learned State counsel assisted by learned counsel for the complainant has vehemently argued that the allegations against the petitioner are serious in nature. He along with the co-accused had voluntarily caused injuries on the person of the victim which resulted in his homicidal death. The trial is going on at a proper pace. The complainant has supported the prosecution version in his sworn deposition. It is, therefore, urged that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is alleged to have voluntarily caused simple as well as grievous injuries on the person of the victim which resulted in his unnatural death on the same day and which was on account of injuries sustained by



him and not due to any other reason. The petitioner was named in the FIR. As per the case of the prosecution, he along with the co-accused was seen by the complainant while escaping from the spot and the victim in his verbal statement recorded to the complainant had also took his name. The statement of the victim is *prima facie* to be considered his dying declaration. The allegations against the petitioner are serious in nature. A good number of prosecution witnesses have already been examined and there is nothing on record to show that there would be any undue delay in conclusion of the trial. Taking into consideration, the above discussed facts, 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 but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that no case for allowing the petition is made out. Accordingly, the same is dismissed.

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

[MANISHA BATRA]
JUDGE

6th November, 2025
Parveen Sharma

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