



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

CRM-M No.42766 of 2025 (O&M)

Reserved on : 23.09.2025

Pronounced on: 25.09.2025

Raj Kumar @ Chotiwal

.....Petitioner

Versus

The State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Arav Gupta, Advocate for the petitioner.

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

Mr. Aditya Sanghi, Advocate;

Mr. Pardeep Bhardwaj, Advocate and

Mr. Brijesh Kumar, Advocate for complainant.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 103(1), 190, 191(3) and 61 of BNS [challan presented under Sections 103(1), 190, 191(3) and 61 of BNS and Section 25 of Arms Act, 1959] the FIR No.196 dated 12.08.2024, has been lodged in Police Station Bhattu Kalan, District Fatehabad. 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. Briefly stating the facts emerging from record are that on 12.08.2024 on the basis of an information sent by Medical Officer, police came to know that a person, namely Raj Kumar, was admitted in injured condition in



the hospital. In response to above mentioned information when the police officials, visited the hospital it was found that the injured was unfit for making statement.

3. In the above mention circumstances, the police official recorded the statement of 'Virender' son of Ramheshwar Singh, hereinafter being referred as complainant only, who stated that 'Mahipal' son of Sheo Singh resident of Bhattu Kalan had borrowed a sum of Rs.1,00,000/- from his brother, namely Amit, about two years ago and when Amit asked for the return of money Mahipal refused to return by saying that he would not return money unless asked by Raj Kumar son of Rai Singh. According to complainant, his brother Amit had requested 'Raj Kumar' to ask 'Mahipal' to return the money but some argument took place between his brother Amit, Raj Kumar, Mahipal and Vishal.

4. It was further stated by the complainant that on 12.08.2024 his brother Amit came home from Dabwali and immediately left by saying that he was called in college ground Bhattu Kalan by Mahipal, Raj Kumar and Vishal, for the payment of money. According to complainant, he got suspicious and, therefore, followed his brother Amit, and that at about 6.40 P.M. when he reached near railway line Bhattu Kalan, he noticed that his brother was in the grip of Vishal and Mahipal and Raj Kumar son of Rai Singh, the petitioner, was holding a knife in his hand and causing injuries on the person of his brother Amit with intentions to kill him. It was further stated by the complainant that Amit was crying & calling for help in loud voice and, therefore, the passerby intervened and shifted Amit to hospital whereas the



assailants manage to run away from the spot.

5. Heard.

6. It has been argued by learned counsel for the petitioner that the FIR lodged by the police does not reflect the actual chain of events which unfolded on the spot. According to learned counsel for the petitioner, in fact, it was the deceased Amit who had picked up a knife and attacked the petitioner and the petitioner in order to save himself, in self-defence, snatched knife from Amit and when he was flaunting the above mentioned knife the deceased who wanted to harm the petitioner came in the range of knife incidentally and suffered the injury, which proved to be fatal.

7. The learned counsel for the petitioner has also argued that, in fact, multiple injuries were suffered by the petitioner also and he, too, was admitted in the hospital and examined medico-legally. It has also been argued by learned counsel for the petitioner that the investigation has been conducted in a partisan manner and that despite reporting the matter to the police the opposite party has not been prosecuted. According to learned counsel for the petitioner with regard to petitioner's version one DDR was recorded but the police failed to take any action and, therefore, a complaint has been filed in the Court of learned Judicial Magistrate, which is under consideration.

8. It has also been argued by learned counsel for the petitioner that the petitioner has already suffered a lot of incarceration, and that nothing is left to be recovered from the accused. According to learned counsel for the petitioner the petitioner in the light of above mentioned circumstances, the petitioner is entitled for the benefit of bail.



9. Per contra, learned State counsel has argued that the allegations of petitioner contains no iota of truth and that on the ground of long incarceration the benefit cannot be given to the petitioner as the trial is taking place at a reasonable pace and so far, the petitioner has been in custody for a period of 1 year and 1 month only. According to learned State counsel the petitioner has a long history of indulging in similar kind of activity and that in the past also he had faced prosecution and with an intention to pressurize the opposite party (victim) he took the plea of private defence, by filing cross cases and forced the opposite party to enter into compromise.

10. The record has been perused carefully.

11. In the present case, at the very outset, it is pertinent to mention here that the version of incident put forth by the petitioner coupled with the contents of FIR makes it abundantly clear that there are certain facts which stands admitted in the present case.

- 1) that an incident of fighting between the petitioner and the deceased had taken placed on 12.08.2024 at about 6.40 P.M.;
- 2) that in the above mentioned incident one sharp edged weapon was used;
- 3) that in the above mentioned incident injury with sharp edged weapon was suffered by Amit and such injury proved to be fatal for him;
- 4) that in the same event the petitioner, too, had suffered injury.

12. In the above mentioned fact situation, it stand proved that the injury on the person on deceased were inflicted by the petitioner and thus



prima facie, the only point to be determined during the course of trial is to determine who was the aggressor in the above mentioned event.

13. Here while analysing the eligibility of the petitioner for the concession of bail, it has to be kept in mind that petitioner has criminal history. The abovesaid history cannot be ignored in view of observations made by the Hon’ble Supreme Court of India in the case of **Jastin Gill @ Jassa Vs. State of Punjab, SLP(Criminal) 14147 of 2024**. It is also relevant to mention here that both the petitioner and the deceased are resident of the same village and if released on bail there are chances that petitioner may influence the witnesses. Similar allegations have been levelled by the learned State counsel during the course of argument. It is also significant to note that the petitioner has been in custody for a period of 1 year and 1 month only, and in view of all the mitigating circumstances and the pace of the trial, it cannot be observed that the petitioner has unnecessarily faced the agony of incarceration.

14. Taking into consideration the cumulative effect of all the above mentioned factors, it is hereby held that the petitioner is not entitled for the benefit of bail and the present petition is devoid of merit. Hence, finding no merit in the petition, the same is hereby dismissed accordingly.

(SURYA PARTAP SINGH)
JUDGE

Pronounced on 25.09.2025
Manoj Bhutani

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