

2025:PHHC:045302



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

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CRA-S-3302-2024 (O&M)
Date of decision: April 02, 2025

LOKESH

.....Appellant

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Davindoo Joshi, Advocate
for the appellant.

Mr. Rajat Gautam, Addl. A.G., Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-39923-2024

The instant application has been filed under Section 5 of the Limitation Act read with Section 528 of BNSS for condonation of delay of 30 days in filing the appeal.

For the reasons mentioned in the application, the same is allowed and the delay of 30 days is condoned.

CRM-39924-2024

The instant application is allowed as prayed for.

CRA-S-3302-2024

1. The instant appeal has been filed by the appellant seeking grant of regular bail in case FIR No.0276 dated 01.10.2023 (Annexure A-1) under Sections 323, 302, 452, 506, 34 of IPC, 1860 and Section 3(2)(va) of the SCT/ST Act, 1989, registered at Police Station Hassanpur, District Palwal.



2. Learned counsel for the appellant has contended that the appellant has been in custody since 03.01.2024 in a case of false implication. It has been further argued that the allegations against the appellant are based on a vague and unsubstantiated statement of the complainant, which lacks credibility. It is further submitted that no specific role has been attributed to the appellant in the alleged assault on Thakur Lal (hereinafter referred to as 'the deceased'), who purportedly succumbed to the injuries inflicted by the appellant and co-accused. It is still further contended that even as per the case of the prosecution, the appellant is alleged to have inflicted a stick blow on the leg of the deceased, which is a non-vital part of the body, rendering the allegations against him insufficient to establish his culpability. Additionally, learned counsel has submitted that the trial is unlikely to conclude in the near future, as 16 prosecution witnesses remain to be examined and therefore, the appellant is entitled to bail.

3. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. While referring to the allegations contained in the FIR in question (Annexure A-1), learned State counsel has submitted that it is based on an eye-witness account. The appellant, along with co-accused, was specifically named in the FIR and was part of an unlawful assembly that entered the house of the complainant in the intervening night of 28th and 29th September, 2023. Armed with sticks and axes, all the accused including the appellant launched an unprovoked and brutal attack on the deceased, who was asleep at the time. The deceased



sustained multiple injuries, including severe head injuries, and his wife Kajal was also assaulted. When the complainant, mother of the deceased, awoke and rushed to the scene, she found her son grievously injured. The accused, presuming the deceased to be dead, fled the spot. The complainant immediately informed the police, and the deceased was then rushed to the hospital, where he succumbed to his injuries during treatment.

4. Learned State counsel, on further instructions, has submitted that there was CCTV footage of the place of occurrence, in which all the accused including the appellant, were clearly visible inflicting injuries upon the deceased and his wife. Additionally, the complainant, during her testimony before the learned trial Court, reiterated her allegations and unequivocally identified the appellant as one of the assailants. Learned State counsel has urged that if released on bail, the appellant may abscond or attempt to intimidate or influence PW-Kajal, injured eyewitness, who is yet to be examined. It has also been contended, on instructions, that aside from PW-Kajal, most of the remaining witnesses are formal in nature, and once the testimony of PW-Kajal is recorded, the trial is likely to conclude expeditiously.

5. I have heard learned counsel for the parties and perused the relevant material placed on record.

6. Before proceeding further, it would be apposite to reproduce the allegations contained in the FIR:-

*“Respected Sir, it is simply prayed that I, **Omvasi** wife of dulichand caste Jatav, resident of village Bhiduki, police station*



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Hasanpur, tehsil Hodal, district Palwal. On dated 29.09.2023 at about 1 A.M. in the night Rakesh son of Jaibir lokesh son of Jaibir, kishanbati wife of Jaibir and wife of Rakesh, Caste jat, R/o Bhiduki, Encroached into my house. They were armed with lathi, stick and kulhadi. They broke the aluminium door and entered my house, they attacked upon my son thakur Lal who was sleeping and gave injuries with kulhadi at his head and injured him seriously. Thereafter, they misbehaved and give injuries to kajal wife of thakur Lal. I was sleeping in another room on hearing noise and hue and cry, I woke up then they left thakur Lal in serious condition, presuming him to be dead. Thereafter, somehow I made call at 112 and police came on the spot. Police personnel called an ambulance telephonically and we took Thakurlal to government hospital Hodal. As his condition was critical they referred him to the government hospital, Palwal and the doctors, at Palwal referred him to safdarjung hospital Delhi. My son is admitted in safdarjung hospital, Delhi and his condition is serious. The accused person have threatened me, if I dare to make a complaint to the police, then they will kill me and my family members. I have presented a copy of medical along with the application. Therefore, Sir you are requested to take legal action and do justice. Thanking you, RTI Omvati applicant Omvati wife of dulichand, resident of Bhiduki, 7082269428 dated 29.09.2023.”

7. There are allegations against the appellant of having actively participated in a brutal assault that resulted in the death of the deceased and caused injuries to his wife, PW-Kajal. The allegations are *prima facie* substantiated also by the testimony of the complainant (alleged eyewitness) and corroborated by documentary evidence in the form of CCTV footage,



which reportedly captures the appellant inflicting injuries on the deceased. The complainant, a key prosecution witness, has not only identified the appellant but has also, as per instructions received by the State counsel, supported the case of the prosecution.

8. Given the gravity of offence and the material on record, this Court finds no ground to extend the concession of bail to the appellant. The possibility of the appellant absconding or attempting to influence material witnesses, particularly the injured eyewitness PW-Kajal, cannot be ruled out. Furthermore, the trial appears to be at an advanced stage, and the expeditious examination of the key witnesses is likely to ensure its early conclusion.

9. Accordingly, the instant petition stands dismissed.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

April 02, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*