

CRA-S-2657 of 2025

2025:PHHC:155796



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-2657 of 2025
Reserved on:28.10.2025
Pronounced on: 11.11.2025

Radhey Shyam
.....Appellant

Versus

State of Haryana and another
.....Respondents

CRA-S-2055 of 2025

Vikas
.....Appellant

Versus

State of Haryana and another
.....Respondents

CRA-S-1709 of 2024

Amandeep
.....Appellant

Versus

State of Haryana and another
.....Respondents

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CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Argued by: -Dr. Manish Aggarwal, Advocate (through V.C.) and
Mr. Anil Saini, Advocate,
for the appellant in CRA-S-2657 of 2025.

Mr. Arpandeep Narula, Advocate, and
Mr. Piyush Mittal, Advocate,
for the appellant in CRA-S-2055 of 2025.
Mr. Suvir Sidhu, Advocate, and
Ms. Ridha Dhawan, Advocate,
for the appellant in CRA-S-1709 of 2024.

Mr. Ramender Singh Chauhan, AAG, Haryana.

Mr. Naresh Kumar Ganga, Advocate,
for respondent No.2-complainant.

NAMIT KUMAR, J. (ORAL)

1. This order shall dispose of aforementioned three appeals as they arise from the same FIR bearing No.156 dated 02.07.2023 registered under Sections 302, 323, 354, 449/34 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Nathu Sarai Chopta, District Sirsa, as applications of the petitioners seeking regular bail have been dismissed by learned Additional Sessions Judge, Fast Track Special Court, Sirsa, vide orders dated 28.07.2025, 28.05.2025 and 18.04.2024, respectively.

2. Present FIR has been registered on the complaint dated 02.07.2023 of the complainant, stating therein that she has studied upto 10th standard. They are six siblings out of whom two brothers and two sisters are married and she and her younger brother are bachelors. They along with their parents live at village Jodkian in the house of Krishan

Huda and have taken the land of Satyawar on 1/4th share besides doing

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labour work. On 01.07.2023, she and her father Om Parkash had gone to the fields of Ex-Sarpanch Dholu Ram for doing work. In the noon time, when she went to fetch water then on the way, Radhey Shyam asked her to have friendship with him and also asked her to give her phone number and she returned without speaking anything. At about 07.00/08.00 PM, she and her mother Bimla and her brother Kuldeep went to the house of Radhey Shyam for making complaint for the above said act and his family members assured them that they would make him understand and they returned to their house. At about 09.30 p.m., Vikas and Gaurav came near the house of complainant and called her brother outside and asked that why did, they make complaint and they slapped her brother and then she and her mother took her brother inside. After 5/7 minutes, Vikas, Gaurav along with Amandeep and Radhey Shyam came to their house on motorcycles and after entering into their house, Vikas started beating her mother with his belt on her waist and Gaurav gave beatings to the complainant with his belt on her waist and right elbow. When her sister Samistha intervened, Amandeep gave leg blow on her stomach and inflicted injury on her thigh with belt and Radhey Shyam gave fist blows on the chest of her father aged about 60 years due to which he fell down unconsciously. On hearing noise, Shish Pal and other neighbours came to the spot and all the assailants fled away from the spot on their motorcycles. Thereafter, Shish Pal got them admitted in CHC Chopta where the doctor declared

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her father Om Parkash dead and referred them to General Hospital, Sirsa, however, they came to their house.

3. Learned counsel for the appellants have submitted that the appellants are innocent and have been falsely implicated in the present case. It is submitted that the allegation against appellant-Amandeep is with respect to kicking and hitting the complainant's sister-Samistha with belt on the thigh and giving leg blow on her stomach, whereas no injury is attributed to her in the MLR and appellant-Vikas is alleged to have given a slap to the brother of the complainant and belt blows to the mother of the complainant. It is further submitted that appellant-Radhey Shyam is alleged to have given fist blow to deceased-Om Parkash and except the said alleged fist blow there is not even an iota of allegation against the appellants showing that they had caused any harm to deceased Om Parkash. It is further submitted that none of the appellants have used any weapon, the alleged injuries suffered by all the injured are simple in nature and none of the injured have suffered any injury which is grievous or dangerous to life rather the MLR shows that most of the injuries are only pain and swelling etc. It is further submitted that post-mortem report of deceased Om Parkash shows that there was no visible mark of any injury on the person of the deceased. It is further contended that medical evidence has not corroborated the allegations levelled by the prosecution that deceased Om Parkash died on account of alleged assault having been caused by the appellants rather Om Parkash had died due to multiple ailments in the medical

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record. It is further submitted that during investigation, the police has wrongly added the provisions of SC/ST Act in order to make the case more stringent. There is not even a single allegation levelled in the FIR for which the provisions of the SC/ST Act could be invoked as no casteist remarks have been alleged to be stated by the appellants. It is further submitted that the present case could at the best be a case of Section 304 Part II IPC and not Section 302 IPC. Furthermore, it is a question of trial that whether the death of Om Parkash occurred due to heart attack or other reasons. It is further contended that the only eye witnesses of the incident are the family members and since they are interested witnesses, therefore, their testimonies cannot be relied upon. Investigation in the present case is complete; challan has been presented; charges have been framed; out of total 33 prosecution witnesses 14 (11 material) have been examined. It is further submitted that appellant-Radhey Shyam is in custody since 11.07.2023; Vikas is in custody since 24.07.2023 and Amandeep is in custody since 25.07.2023. It is further submitted that the appellants are not involved in any other case. Conclusion of trial may take a considerable time, therefore, no fruitful purpose would be served by keeping the appellants behind bars.

4. *Per contra*, learned State counsel, assisted by learned counsel for respondent No.2-complainant, has opposed the prayer of the appellants for grant of regular bail on the ground that there are specific allegations against the appellants. He further submitted that all

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the witnesses have supported the prosecution case. He further submitted that keeping in view the gravity and seriousness of the offence, appellants do not deserve the concession of regular bail.

5. I have heard learned counsel for the parties and perused the record.

6. Admittedly, though the material witnesses have supported the prosecution case, however, as per the MLR, the injuries allegedly sustained by the injured are opined to be simple in nature and none of them has been declared as grievous or dangerous to life. Furthermore, as per the opinion rendered by the board of doctors, the exact cause of death of deceased (Om Parkash) could not be ascertained, thereby casting a shadow of doubt upon the direct nexus between the alleged assault and cause of death of deceased. Moreover, as per the deposition of Shishpal PW17, the deceased had suffered a mild heart attack two/three months' prior to the alleged incident i.e. 01.07.2023, which lends further credence that the death of the deceased may not have been the direct consequence of the alleged assault.

7. Furthermore, the allegations relating to the alleged use of casteist remarks by the accused persons is wholly untenable inasmuch as there are four accused persons in total and two of them, namely, Amandeep and Gaurav themselves belong to the scheduled caste. It is pertinent to mention here that the FIR is silent with regard to any alleged casteist remarks attributed by the accused. Even in their depositions, the witnesses have not been able to state with precision or

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clarity as to what specific remarks, if any, were allegedly made by the accused persons. Since words or statements devoid of explicit casteist remarks, cannot be stretched to invoke the penal provisions of the Act, thus coupled with the facts and circumstances of the case, the allegation with respect to alleged casteist remarks could not appeal this Court at this stage.

8. Keeping in view the facts and circumstances of the case and that the fact that the appellants have suffered incarceration for a period of more than 02 years 03 months; they have no other criminal antecedents; all the material witnesses have been examined and the conclusion of trial may take a long time, however, without commenting upon the merits of the case, the appellants are ordered to be released on regular bail during trial on their furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

9. The appeals stand disposed of accordingly.

10. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present appeals only.

11.11.2025
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No