



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203-1

CRM-M-47500-2025 (O&M)
Date of decision: 17.11.2025

Saurabh

...Petitioner(s)

VERSUS

State of Haryana

...Respondent(s)

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CRM-M-47506-2025 (O&M)
Date of decision: 17.11.2025

Anuj @ Guli

...Petitioner(s)

VERSUS

State of Haryana

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Lekh Raj Sharma, Advocate and
Mr. Abhishek Sharma, Advocate;
Mr. Ajay Sharma, Advocate for the petitioner(s).

Ms. Chhavi Sharma, AAG Haryana.

Mr. Kartik Parmod Goyal, Advocate for the complainant.

VINOD S. BHARDWAJ, J. (Oral)

Both these petitions have been filed by two different accused in the same FIR under Section 302 of the Indian Penal Code, 1860 (added later on) in case bearing FIR No.168 dated 18.06.2023 registered under Sections 148, 149, 323, 307 and Section 506 of the Indian Penal Code, 1860 at Police Station B.P.T.P., District Faridabad. Hence, both these petitions are being decided by a common order.



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2. Briefly summarised, the facts of the case are that the FIR in the present case was registered on the complaint of Mahender Singh son of Mam Raj, who stated that on 17.6.2023 at about 6:30 p.m., he was present at his home and having a talk with his neighbour regarding quarrel of their children. Due to this, Dharamvir, Dharampal, Jaggi, Guli, Saurabh, Vinod, Amit, armed with lathi, knife, farsa, bricks and dandas, attacked them. Saurabh, Guli threw bricks on Javitri due to which she received head injury. While leaving the spot, they threatened the complainant, who prayed for taking legal action against the accused persons and an FIR was got registered under sections 148,149,323, 506 IPC. After taking opinion of the doctor, section 307 IPC was added.

3. Learned counsel for the petitioner(s) contends that the petitioners were arrested on 19.06.2023, their disclosure statements were recorded and eventually, the recovery of brick allegedly used in the occurrence was effected. He contends that the petitioners remained in custody for a period of nearly 09 months whereafter they were granted concession of regular bail on 05.04.2024 and 27.03.2024 respectively. It is submitted that even though the incident in question took place on 17.06.2023, however, the lady-Javitri aged 75 years, who had sustained the brick injury, eventually expired after 1 ½ years of the occurrence whereupon Section 302 of the Indian Penal Code, 1860 has now been added in the instant FIR. He contends that the petitioners have not misused the concession of regular bail extended to them. He contends that a mere addition of Section 302 of the Indian Penal Code, 1860 would not make out



a fresh case for warranting their custodial detention especially when they have not misused the concession of regular bail extended to them. He further contends that the petitioners are young boys and the incident in question took place at the spur of the moment without any pre-meditation. He contends that they are not involved in any other case.

4. Learned State counsel does not dispute the aforesaid factual aspects.

5. Counsel for the complainant vehemently opposes the prayer of the counsel for the petitioners and submits that the injury resulting in death of Javitri is attributed to the petitioners. He further submits that the deceased remained in coma for a long period, hence, it was only after her demise that Section 302 of the Indian Penal Code, 1860 has been added. He however does not dispute that the petitioners have not misused the concession of regular bail earlier extended to them.

6. Having heard the counsel for the respective parties, it is evident that the petitioners had initially been granted the concession of regular bail albeit for the same injury, vide order dated 05.04.2024 and 27.03.2024 respectively, after custody of 09 months. It was on account of subsequent developments that the offence under Section 302 of the Indian Penal Code, 1860 has been added. The petitioners have not misused the concession of regular bail earlier extended to them for over a period of more than 1 ½ year, when Section 302 of the Indian Penal Code, 1860 has been added. A mere addition of Section 302 of the Indian Penal Code, 1860 would not by itself become a ground to seek custodial detention of the petitioners. Besides, the



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trial has yet not commenced and there is no allegation that the petitioners have delayed the commencement of trial.

7. Taking into consideration the above facts and circumstances, the petitioners are granted anticipatory bail for offence under Section 302 of the Indian Penal Code, 1860 on furnishing of fresh bail and surety bonds to the satisfaction of the trial Court.

8. Since the only injury that has been attributed to both the petitioners is the brick injury, the same would thus require consideration during the course of trial.

9. Both these petitions are accordingly allowed.

(VINOD S. BHARDWAJ)
JUDGE

17.11.2025
Mangal Singh

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