



**223/2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of decision:22.01.2025

(i) CRM-M-53608-2024

Naresh ...Petitioner
vs.
State of Haryana ...Respondent

(ii) CRM-M-61740-2024

Sandeep Kumar ...Petitioner
vs.
State of Haryana ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. J.P.Jangu, Advocate
for the petitioner in CRM-M-53608-2024.

Mr. Ankur Lal, Advocate,
for the petitioner in CRM-M-61740-2024.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J.(oral)

1. This order shall dispose off above-said two petitions i.e. CRM-M-53608-2024, titled as Naresh Vs. State of Haryana and CRM-M-61740-2024 titled as Sandeep Kumar Vs. State of Haryana, whereby the petitioners have prayed for grant of regular bail to them in case FIR No.08 dated 31.01.2024 registered under Sections 302, 201 of IPC (Section 120-B of IPC added later on), at Police Station GRP Rewari, GRP Ambala Cantt, District Rewari.

2. The FIR in the present case was registered on the basis of the statement made by SI Surender Singh of Government Railway Police and the



same has been reproduced below:-

“District: GRP Ambala Cantt, PS: GRP Rewari, Year: 2024, FIR No. 008, Dated: 31.01.2024, Sections: 201, 302 of IPC, 1860. Vide Rapat No. 21 dated and time, EHC Jai Parkash 1292 Chowki GRP, Mahendergarh, came present along with map no. 12 dated 28.01.2024 under section 174 of Cr.P.C. of a unknown deceased aged about 25 years along with the postmortem report issued by the Doctor Sahib before me SI. The details of map of deceased are as under: vide rapat No. 15 dated 28.01.2024, at time 14.50 O clock a memo issued by Station Master Railway Station Mahendergarh Chowki GRP Mahendergarh was received. The fact of memo is as under: SS/MHRG/28/01/2024, 14/35 SS/MHRG Incharge RPF, GRP Mahendergarh in regard of the unknown dead body, it is written in regard of the above cited subject vide SS/DZB/28/01/2024 dated 28.01.2024, which is as under: According to the information given by Shri Suresh Kumar SI Civil Police, there is a dead body lying under the bridge. It is informed to you for further action and necessary information. Thanking You, SD/-Parveen Kumar SM/MHRG. From the said memo, the matter is found about death of a man and according to the death map no. 12 dated 28.012024 under Section 174 of Cr.P.C., the investigation is conducted by Satyapal SI No. 958 Chowki Incharge GRP Mahendergarh. During the investigation, there are many tries had done to identify the dead body but dead body could not be identify. Satyapal SI with the help of staff sent the dead body for post-mortem and same was kept in Civil Hospital, due to late time, post-mortem could not conducted and next day on dated 29.01.2024, post-mortem was conducted from the doctors team and after the post mortem, the dead body was kept in dead house Civil Hospital for identification. Jaiparkash ELIC 1292 was asked for supervision. The doctor sahib asked for giving the death map and post-mortem report of deceased later on. Today on dated



31.01.2024, the opinion of post-mortem issued by Doctors is as: In my opinion the cause of death in this case is injuries describe. I and their complications which are antemortem in nature homicidal in manner and sufficient to cause death in ordinary course of nature. However, viscera and blood sample has been preserved for histopathological and chemical examination. From the post-mortem report and memo, the matter is found of murder of a unknown person who was threw at Katcha Rasta outside of underpass of Railway KM No. 101-/4-5 with the intention of destroy the dead body and the matter is found of offence under section 302, 201 of IPC and in this regard, FIR No. 8 dated 31.01.2024 is registered under Section 302, 201 of IPC at PS GRP Rewari by SI Surender Kumar 95. The special copy of report is being sent to The Illaqa Magistrate Rewari and to Superintendent of Police through Ashok Kumar ES 1141 and to the Superintendent of Police Railways (Hry) and Deputy Superintendent of Police Railway Faridabad through email. The office control room Sadar Ambala Cantt. and Station House Officer is informed through telephone. I SI by preparing the file is leaving for the spot for investigation alongwith Jaiparkash SHC 1292.”

3. Learned counsel for the petitioners submit that as per the allegations leveled by the prosecution; Yogesh, co-accused had caused serious injuries on the person of Munim. On the next day, Yogesh had called Naresh and Sandeep Kumar, both the petitioners to provide the medical treatment to Munim and while Munim was being taken to hospital at Rewari, he succumbed to the injuries on the way. Consequently, both the petitioners had brought Munim back to the Dhabha (Restaurant of Yogesh) and informed him that he had expired. After bringing the dead body back to Yogesh, Naresh (petitioner



in CRM-M-53608-2024) had left. On the other hand, as per the case set up by the prosecution, Yogesh and Sandeep had thrown the dead body on the railway track to project it to be a case of railway accident. Learned counsel for the petitioners submit that even as per the admitted case of the prosecution, the petitioners have not caused any injury to Munim (since deceased) and they were not even present at the time, when injuries were allegedly caused by Yogesh, co-accused. Further, both the petitioners were called by Yogesh, co-accused, when treatment was to be provided to Munim and both had tried to shift Munim to a hospital at Rewari, however, on the way, he had expired. Learned counsel further submit that even as per the case set up by the prosecution, the petitioners did not share any common intention with the main accused and at the worst, they could be prosecuted under Section 201 of IPC. The petitioners were arrested in the present case on 21.01.2024 and are in custody for the last about 11 months. Learned counsel further submit that in the present case, the prosecution has relied upon 29 witnesses, but no witness has been examined so far.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the parties. However, she could not controvert the factual submissions made by learned counsel for the petitioners and submits that both the petitioners had helped Yogesh, main accused in disposing of the dead body of the deceased and do not deserve the concession of bail by this Court.

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

6. In the present case, both the petitioners had admittedly not caused



any injury to the deceased and wanted to shift the injured to a hospital to provide the treatment, however, on the way to Rewari, Munim had expired. Later on, Sandeep Kumar (petitioner in CRM-M-61740-2024) had helped Yogesh in shifting the dead body of Munim in a railway track. Moreover, out of total 29 witnesses, no witness has been examined so far and the trial is not likely to conclude in near future. Moreover, the prosecution has not placed any material before this Court to indicate that the petitioners are in a position to influence the witnesses of the prosecution or there are any chances of fleeing from the process of justice.

7. Without commenting on the merits of the case, the present petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) *The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade them to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioners shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioners shall not absent themselves from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioners shall surrender their passports, if any, (if already not surrendered), and in case they are not holder of the same, they shall swear an affidavit to that effect.*
- (v) *The petitioners shall also file their affidavits before the concerned Court, mentioning their ordinary place of residence and*



number of mobile phone, which shall be used by them during the pendency of the trial. In case of change of place of residence/mobile number, they shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioners involve in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioners.

22.01.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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