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

CRM-M-60038-2024 (O&M)

Date of decision : 19.02.2025

Joginder @ Dhola

....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Mohit, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

Mr. Bhagwat Dayal, Sharma, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.0238 dated 08.09.2023, under Sections 148, 149, 323, 341 and 506 of IPC (during investigation Sections 148 & 149 IPC deleted and Sections 120-B, 201, 302 and 34 IPC were added), registered at Police Station Sanoli, District Panipat.

2. Succinctly the facts of the case are that the FIR in the present case was registered on the statement of the complainant Ram Mehar S/o Mahender. It was alleged that two daughters of his Uncle were married to two sons of Ramesh. It was alleged that there was a matrimonial dispute between his Uncle's daughters at their in-laws house. On account of the same, both the daughters of his Uncle had come to their parental home. On 31.08.2023, Ram Niwas and Joginder encircled his Uncle in the fields and he was threatened to abduct his daughters. Thereafter, they hatched a conspiracy and on 06.09.2023 at around 10:00 am, when his Uncle was



going to his old resident, he was challenged by Ram Niwas. On hearing, Ashok armed with axe Jai Bhagwan armed with *kassi*, Ram Niwas armed with *Lathi*, Sunita armed with *danda*, pooja armed with *danda* and 3-4 other men, who were armed with *dandas* came together and attacked Radhey Shyam (deceased), of his village. On account of the injuries caused by the assailants, Radhey Shyam was shifted to Civil Hospital, Panipat, however, he succumbed to the injuries lateron. Request was made to take legal action against the culprits. On the registration of FIR, the investigation commenced. The petitioner was arrested on 19.01.2024. He approached the Learned Sessions Judge, Panipat praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Sessions Judge, Panipat vide order dated 12.11.2024. Aggrieved by the same, the petitioner approached this Court praying for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the petitioner is resident of village Balana and the occurrence had taken place in Village Kurad. He submits that the petitioner was not even present at the time of occurrence, however, due to the ongoing matrimonial dispute, the petitioner has been falsely implicated in this case. He submits that though the petitioner was alleged to be present on the earlier occurrence on 31.08.2023, however, on the date of occurrence he was not even present in village Kurad. He submits that even otherwise the petitioner neither was alleged to be armed with any weapon nor he had caused any overt act towards the deceased. It is thus, submitted that the false implication of the petitioner is writ large and hence, in the facts and circumstances of the case the petitioner deserves to be granted bail.



4. Learned counsel for the complainant, however, has opposed the submissions made by learned counsel for the petitioner. He submits that the petitioner is the mastermind and the main conspirator of the occurrence. He submits that it is at his behest deceased-Radhey Shyam had been attacked by the co-accused and was done to death.

5. Learned State counsel, on the other hand, also opposed the submissions made by learned counsel for the petitioner. He submits that the petitioner had a strong motive as the matrimonial dispute was already going on between both the sides and thus, in conspiracy with each other, the deceased-Radhey Shyam, who was father-in-law of the petitioner, was murdered. He has produced the custody certificate of the petitioner and it is submitted that out of total 25 prosecution witnesses, none has been examined as on date.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the occurrence in the present case had taken place on 06.09.2023. The main thrust of the allegations against the petitioner is that the deceased was his father-in-law thus, due to the on going matrimonial dispute, he had a strong motive against the deceased. The allegations against him are that he was the conspirator and at his behest the murder of Radhey Shyam had taken place, however, there was no allegations made against the petitioner that he was armed with any weapon or he caused any injury to the deceased. The custody certificate would show that the petitioner has completed an incarceration of 01 year and 29 days as on 18.02.2025. The investigation is complete and charges are framed, however, out of 25 prosecution witnesses, no one has been examined as on date. The custody certificate would further shows that the petitioner though is involved in one more case, however, he is on bail in the said



case.

7. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

19.02.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

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