



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

CRM-M-62056-2024

Date of Decision:04.03.2025

Suraj

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Mandeep Kumar Dhot, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Sr. DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of B.N.S.S with a prayer to grant regular bail to him in case FIR No. 211, dated 22.07.2023, registered under Sections 302,506,34 of IPC, Police Station Zirakpur, District SAS Nagar (Annexure P-1).
2. The FIR in the present case was registered on the basis of the statement made by Machhra wife of Balind Raj and the same has been reproduced below:-

“Copy of Statement: "I, Machhra, wife of Balind Raj, resident of House No. 118, Adarsh Nagar, near Old Bana, Zirakpur, District SAS Nagar, aged about 65 years, phone number 7696976075, stated that I am a resident of the above address. I am completely illiterate and work as a laborer. I have three children, all of whom are married. My aunt, Sharifa, wife of Meeta, resident of Ward No. 01, Dr. Ambedkar Colony, Machhiwara Road, Samrala, District Ludhiana, who was about 70 years old, came to

visit us on 19-07-2023. On 20-07-2023, at time about 3/4 PM, my brother-in-law's sons, Suraj, Sagar, and Shekhar, sons of Harkalis, who live in Our neighborhood, were fighting and quarreling in the street. Out of humanity I along with my daughter Sapna and my son Sunny, went to intervene and stop them from fighting. However, they started abusing, threatening and physically assaulting us. When my aunt Sharifa tried to intervene to save us, they also pushed, punched and severely beat her and inflicted multiple injuries. Sagar picked up an empty liquor bottle and hit my aunt on her left side of the stomach, causing her significant pain. We somehow escaped and entered our house to save our lives. The next day, on 21-07-2023, my aunt Sharifa began feeling severe discomfort due to her injuries. At approximately 4 PM, we were taking her to the hospital in Derabassi for treatment when her condition suddenly become more serious, and she passed away before reaching the hospital. We informed her family members, who arrived quite late. We arranged for a vehicle and kept her body at the Civil Hospital, Dera Bassi, Her death occurred due to the severe injuries inflicted by Suraj, Sagar, Shekhar, being hit by a liquor bottle in the stomach. I along with my aunt Sharifa's grandson, Sikandar son of Chhaju Ram, resident of Ward No.01, Dr. Ambedkar Colony, Machhiwara Road, Samrala, District Ludhiana, was heading to the Zirakpur Police Station to report the incident when we met you near Kohinoor Dhaba, Zirakpur. I narrated the entire incident to you. The motive behind this incident is their habit of daily alcohol consumption. These three have previously fought with us several times under the influence of alcohol. Yesterday as well, they appeared to be intoxicated. Therefore, legal action should be taken against Suraj, Sagar and Shekhar, sons of Harkalis, residents of Adarsh Nagar, near Old Police Station, Zirakpur. The statement has been written, read and verified. The statement given has affixed her left thumb impression below the statement, and it has been attested by Sikandar, son of Chhaju Ram, resident of the aforementioned

address. The statement has been confirmed by Inspector Simarjit Singh, SHO, Zirakpur Police Station, dated 22-07-2023, Police Proceedings.....”.

3. Learned counsel for the petitioner contends that even though the petitioner was named in the FIR, but no specific role has been attributed to him. It has been falsely alleged that all the accused had collectively caused injuries to the deceased. In fact, from the post mortem report (Annexure R-1) of the deceased, it is apparent that Sharifa had suffered only one injury, which is attributed to Sagar, co-accused. He further contends that Sagar has already been arrested in the present case. Learned counsel further contends that in fact, the alleged occurrence had taken place on 20.07.2023 and Smt. Sharifa was shifted to the hospital on 21.07.2023 and the death is taken place due to medical complications and not due to injuries suffered by the deceased. The petitioner was arrested in the present case on 12.08.2023 and the challan has already been presented against him. He further contends that the petitioner is a first offender and deserves sympathetic consideration by this Court.

4. An affidavit of Deputy Superintendent of Police, Zirakpur, District SAS Nagar has been filed on behalf of respondent-State and the same is taken on record.

5. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner was accompanying Sagar, co-accused, who had caused a fatal blow and the deceased had succumbed to the injuries caused by the petitioner and his co-accused.

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

7. It is not in dispute that Smt. Sharifa, deceased had suffered only one injury, which is attributed to Sagar, co-accused. The petitioner is stated to be present at the spot with Sagar, co-accused; however, this Court is conscious of the fact that the petitioner is in custody for the last more than 01 year and 06 months and no witness has been examined so far. Thus, the Trial Court may take considerable time to conclude the trial in the present case and the prosecution has not been able to produce any evidence to show that the petitioner is in a position to influence the witnesses of the prosecution.

8. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

04.03.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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