



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

203

CRM-M-63329-2024

Date of decision: April 5th, 2025

Rohit

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Diwan S. Adlakha, Advocate
for the petitioner.

Mr. Karan Sharma, Deputy Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.221 dated 11.04.2024 under Section 304 of the IPC (Sections 147, 148, 149, 302 of the IPC deleted later on) registered at Police Station Krishna Gate Thanesar, Kurukshetra.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 06.07.2024. Out of the 23 prosecution witnesses cited, 11 including all the material witnesses stand examined. The material witnesses including the complainant have not supported the case of the prosecution as a result of which they were all declared hostile. Learned counsel submits that in the circumstances, more so when it is, therefore, evidently a case of false implication, further incarceration of the petitioner would serve no useful purpose.

3. *Per contra*, learned State, on instructions, although not disputed that all the material witnesses including the complainant were

declared hostile during trial, however, learned counsel for the State has reiterated the allegations levelled in the FIR in question, which has been annexed as Annexure P-1 and stands reproduced hereinunder:

“Today on 11.04.2024 at about 06:30 to 07:00 pm, I was standing near the house. I saw that grandson Rohit Kalu son of Rajendra and the other party's Bimla w/o Chiman Lal, Somnath s/o Chiman Lal, Sompal s/o Chiman Lal, Suman w/o Golu, Pradeep s/o Chiman, Handu s/o Golu, Kajal s/o Golu were throwing bricks on each other in the street. Meanwhile, a brick hit the forehead of my daughter-in-law Roshni wife of Joginder who was standing in the street and she fell down. The brick hit from above; I looked towards the roof and saw Somnath alias Softy standing there. Asha wife of Sompal was throwing bricks from below. I and Vijay and many family members picked my daughter-in-law in an injured condition from the street and first took her to the doctor in Nagpal Hospital. Dr. Nagpal, while seeing the condition of Roshni, said to take her immediately to the government hospital; and we all immediately took her to the Government Hospital, Kurukshetra, where the Doctor declared Roshni dead after checking; and my son Surendra had made a call at 112, when bricks were being thrown in the street. All these above mentioned persons have killed my daughter-in-law by hitting her with bricks. Today I myself have come to the police station Subhash Mandi Thanesar alongwith my son Surendra and gave the complaint in writing. Legal action may be taken against the accused. RTI applicant Jagannath 91386-40484, Date 11/04/2024, Time 10.40 PM, Surendra 9068268118.”

4. It has been submitted that a brick was thrown by the petitioner towards the deceased, which proved fatal for him.

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

6. The petitioner has been in custody since 06.07.2024. Undisputedly, all the material witnesses not only stand examined but were declared hostile during trial. Even otherwise, *prima facie*, it comes across as a sudden quarrel between the parties. The petitioner has been attributed a brick blow on the deceased, which proved to be fatal for him.

7. In the facts and circumstances as enumerated hereinabove, this Court, without commenting upon the merits of the case, deems it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is allowed and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10. Needless to say, in case the petitioner misuses the concession of bail, the State would be at liberty to seek cancellation of the same.

April 5th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No