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

**CRM-M No.289 of 2025
Date of Decision: 29.07.2025
Reserved on: 23.07.2025**

Ram Mehar @ Raja

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Manoj Tanwar, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. The instant one is the third petition filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in case bearing FIR No.38 dated 15.02.2021 registered under Sections 148, 149, 201, 302, 506 and 120-B of IPC at Police Station Kaithal Sadar, District Kaithal. His first petition bearing CRM-M-37264-2022 was dismissed as withdrawn vide order dated 26.04.2023. The second petition bearing CRM-M-63231-2023 filed by him had also been dismissed as withdrawn vide order dated 08.07.2024.

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of

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statement recorded by the complainant Krishan Dutt alleging therein that he was an agriculturist. Some land dispute was going on between his family and the family of his brother Hari Kishan and Ram Kishan. On the night of 14.02.2021, he received a call from his nephew Sandeep @ Deepad informing that the sons and other family members of Hari Kishan were present in their fields and he suspected some foul play. Sandeep made a second call to him immediately thereafter informing that he had been encircled by family members of Hari Kishan. The complainant rushed towards the spot and found the petitioner and co-accused Anita, Rekha, Vikram, Mili and Ram Bhagat @ Manohar while assaulting Sandeep. Within the sight of the complainant, they caused several injuries on the person of Sandeep with their respective weapons and thereafter they proceeded towards the complainant by proclaiming that they will kill him. The complainant rushed for his rescue and reached his home. The assailants came there also and tried to open the gate of his house by making exhortations. The police had been informed in the meanwhile. The complainant along with the police and Village Sarpanch went towards the spot and found the dead body of his nephew Sandeep to be lying there. After registration of FIR, investigation proceedings were initiated. The postmortem examination of dead body was conducted and cause of death was opined to be the injuries sustained by the victim that were antemortem in nature. The co-accused Manohar, Illu Sharma Vikram were arrested on 16.02.2021. Accused Rekha was arrested on 17.02.2021. The petitioner was

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arrested on 19.02.2021. He suffered disclosure statement admitting his involvement in the crime and got recovered the lathi used at that time. He also demarcated the place of occurrence. Investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. Some of the accused have been extended benefit of regular bail. On parity, he too deserves to be extended the same benefit. The trial will take considerable time. No specific overt act has been attributed to him. He has clean antecedents. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed. It is argued by learned Deputy Advocate General, Haryana that there are serious and specific allegations against the petitioner. He was named in the FIR. The material witnesses have been examined and have supported the prosecution version and have deposed about the active involvement of the petitioner in the subject offences. The trial is going on at a proper pace. Even otherwise, long incarceration of the petitioner in a case like this cannot be considered to be a ground for grant of bail. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused is alleged to have assaulted the victim on the fateful day. He had succumbed to the injuries

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sustained by him and had died. There are specific allegations qua active participation of the petitioner in the subject crime. The same are very serious in nature. The trial is going on. It cannot be stated that there would be any undue delay in conclusion of the trial. No doubt, the petitioner is in custody since 19.02.2021. It is well established that mere long period of incarceration in jail per se is not material for entitling an accused to be enlarged on bail if the accused has committed a heinous offence. Keeping in view the gravity of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

29.07.2025
manju

(MANISHA BATRA)
JUDGE

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