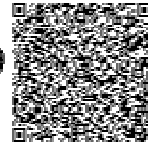


CRM-M-11842-2026

2026:PHHC:054029



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Ramesh Chand

....Petitioner

versus

State of Haryana

....Respondent

Date of decision: April 08, 2026

Date of Uploading: April 08, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Munish Behl, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

Mr. Shivam Kaushik, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

Present petition is the second attempt filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner, in case bearing FIR No.200 dated 07.09.2023, under Sections 302 and 34 of IPC, at Police Station Panjokhra, District Ambala.

2. The last bail plea for grant of regular bail was dismissed as withdrawn, vide order dated 18.08.2025.

3. The gravamen of the allegations against the petitioner is that the complainant, Vikas Kumar, has alleged that on account of a prior enmity, the petitioner, along with his co-accused—Devanshu, Mohit, and Sanjeev Kumar

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@ Kaka—committed the murder of his father, Hari Dutt Sharma, by inflicting injuries upon him and forcibly stuffing his mouth with cow dung.

4. Learned counsel for the petitioner has argued that the petitioner has been in custody since 08.09.2023 and has already undergone substantial incarceration. Learned counsel has further contended that the petitioner has been falsely implicated in the FIR in question. Learned counsel has argued that earlier bail plea of the petitioner was dismissed as withdrawn on 18.08.2025 and thereafter, there is no substantial progress in the trial and the petitioner has suffered extended incarceration, and even, co-accused of the petitioner has been found innocent, during investigation. Learned counsel has further contended that, despite the complainant and his cousin brother allegedly witnessing the incident in question, it is indeed surprising that they made no effort whatsoever to rescue the deceased. Learned counsel has further contended that even the complainant, in the cross-examination of the complainant, has stated that the petitioner is not having land adjoining to the land of the complainant. Learned counsel has further argued that the incident in question was not a pre-planned one and the same happened in the heat of a moment during a sudden scuffle, and even the petitioner had tried to save the deceased from falling in the cow dung. Learned counsel has further argued that no offence under Section 302 of IPC is, thus, made out.

4.1. Learned counsel has submitted that during trial, the complainant had moved an application under Section 358 of the BNSS (erstwhile Section 319 of Cr. P.C.) seeking summoning of additional accused, but the same has been dismissed, vide order dated 03.05.2025 by the Court below, and the

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revision petition preferred against the petition is pending adjudication before this Court.

4.2. Learned counsel has appended *zimni* orders with the petition in hand as Annexure P-3 (colly) and contended that the trial is procrastinating and the folly thereof is no attributable to the petitioner. Learned counsel has submitted that out of total 22 prosecution witnesses, only 06 have been examined till date.

4.3. Learned counsel has goes on to state that no recovery is alleged to have been made from the petitioner and the petitioner has been wrongly implicated, in this case. Learned counsel has further urged that the petitioner has suffered incarceration for more than 02½ years and no useful purpose would be served by keeping him behind bars further. Thus, regular bail is prayed for.

5. *Per contra*, learned State counsel has filed reply by way of an affidavit dated 30.03.2026, in the Court today, which is taken on record. Raising submissions in tandem with the said reply, learned State counsel has submitted that there are serious and grave allegations against the petitioner. Relevant of the said reply reads thus:

“15. *That the role of the present petitioner, in view of the prosecution case is grave, specific and distinguishable, inasmuch as he has been consistently named from the very inception as the main accused in the present case. The prosecution case, as emerging from the FIR, investigation and the statement of PW-1 Vikas Kumar recorded before the learned trial Court, is that the petitioner Ramesh Chand was armed with a kassi/spade and was actively inflicting injuries upon deceased Hari Dutt Sharma, and thereafter, along with the co-assailants, caused the deceased to fall upon the heap of cow dung and pressed his face therein till he became unconscious, resulting in his death. Thus, the petitioner is attributed a clear overt act and a central role in the occurrence, leaving no manner of doubt that he is the main accused in the present case. The said role stands prima facie corroborated by the recovery of the weapon of offence at the instance of the petitioner,*

his disclosure statement and the medical/post-mortem evidence collected during investigation. In these circumstances, the petitioner is not entitled to the extraordinary concession of bail.”

5.1. Learned State counsel has further submitted that the petitioner cannot avail any benefit from the fact that his co-accused were found innocent during the course of investigation, as the petitioner is the main accused and his culpability stands corroborated by his disclosure statement, the recovery of the weapons of offence, and the supporting medical evidence.

5.2. Learned State counsel has submitted that, in case, the petitioner is granted concession of bail, there is all likelihood that he may abscond from the process of justice as also interfere/ intimidate the prosecution evidence/ witnesses. Learned State counsel has further asserted that upon culmination of investigation, challan has been presented on 29.11.2023 and out of total 22 prosecution witnesses, only 06 have been examined till date. Learned State counsel seeks to place on record custody certificate dated 07.04.2026, in the Court today, which is taken on record. Accordingly, the dismissal of the present petition is prayed for.

5.3. Learned counsel for the complainant, while raising submissions in tandem with the submissions of learned State counsel, has vehemently opposed the grant of regular bail to the petitioner by arguing that there are direct/ serious allegations against the petitioner. The petitioner was armed with *kassi*/ spade and had actively inflicted injuries upon the deceased and thereafter, pressed the face of the deceased in the cow dung, which resulted in his death. Learned counsel, while pointing out the *zimni* orders (appended with the petition in hand), has argued that the petitioner has been availing unnecessary adjournments on many occasions before the trial Court and delay in trial is

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attributable to the petitioner only. Learned counsel has further argued that, in case, the petitioner is accorded the concession of regular bail, there is all likelihood of him tampering the prosecution evidence and also intimidate the prosecution witnesses. On the strength of these submissions, the dismissal of the petition in hand is prayed for.

6. I have heard learned counsel for the rival parties and have perused the paper-book.

7. As per prosecution case and upon perusal of the impugned order, it is borne out that the role attributed to the petitioner is grave, specific, and clearly distinguishable, as he has been consistently named from the very inception of the case as the main accused. As per the prosecution case, the investigation, and the testimony of PW-1 – Vikas Kumar recorded before the learned trial Court, the petitioner was armed with a *kassi*/spade and actively inflicted injuries upon the deceased, Hari Dutt Sharma. The petitioner, along with the co-assailants, caused the deceased to fall onto a heap of cow dung and pressed his face therein until he became unconscious, ultimately resulting in his death. Such allegations assign a clear overt act and a main role to the petitioner in the commission of the offence. Moreover, this version stands *prima facie* corroborated by the recovery of the weapon of offence at the instance of the petitioner, his disclosure statement, and the supporting medical and post-mortem evidence.

7.1. The plea of the petitioner that co-accused of the petitioner have been found innocent, during investigation, cannot be of any help to him since the petitioner is the main accused, who caused injuries to the deceased and,

along with his co-accused, had made the deceased to fall onto a heap of cow dung and pressed his face therein, ultimately resulting in his death.

7.2. That apart, indubitably, the first petition (for grant of regular bail) preferred by the petitioner was dismissed as withdrawn by this Court on 18.08.2025. The ground(s) urged in the present petition appear to be the same as those which were available to the petitioner at the time when the earlier petition was withdrawn.

7.3. Further, upon perusal of *zimini* orders, as appended with the petition in hand, it is borne out that on many occasions, the petitioner has also sought adjournments, and therefore, submissions regarding procrastinating of trial and its folly not being attributable to the petitioner, cannot be accepted.

8. The grant of bail falls within the discretionary domain of the court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and the interests of justice. While considering a bail application, the Court must evaluate factors such as the existence of *prima facie* evidence implicating the accused, the nature and gravity of the alleged offence, and the severity of the likely sentence upon conviction. The Court must also assess the likelihood of the accused absconding or evading the due process of law, the probability of the offence being repeated and any reasonable apprehension of the accused tampering with evidence or influencing witnesses. Additionally, the character, antecedents, financial means, societal standing and overall conduct of the accused play a crucial role. Furthermore, the Court must weigh the potential danger of bail undermining the administration of justice or thwarting its due course. A profitable reference in this regard is made to the judgment passed by the

Hon'ble Supreme Court titled as *State through C.B.I. vs. Amaramani Tripathi*,

2005 AIR Supreme Court 3490, relevant whereof reads as under:

“14. It is well settled that the matters to be considered in an application for bail are (i) whether there is any *prima facie* or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see *Prahlad Singh Bhati v. NCT, Delhi*, 2001(2) RCR (Criminal) 377 (SC) :2001(4) SCC 280 and *Gurcharan Singh v. State (Delhi Administration)*, AIR 1978 Supreme Court 179). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in *Kalyan Chandra Sarkar v. Rajesh Ranjan*, 2004(2) RCR (Criminal) 254 (SC) :2004(7) SCC 528 :“The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for *prima facie* concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:

- a. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.
- b. Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.
- c. *Prima facie* satisfaction of the court in support of the charge. (see *Ram Govind Upadhyay v. Sudarshan Singh*, 2002(2) RCR (Criminal) 250 (SC) : 2002(3) SCC 598 and *Puran v. Ram Bilas*, 2001(2) RCR (Criminal) 801 (SC) : 2001(6) SCC 338.”

This Court also in specific terms held that :

“the condition laid down under section 437(1)(i) is *sine qua non* for granting bail even under section 439 of the Code. In the impugned order it is noticed that the High Court has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to

be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail.”

9. The petitioner is accused of committing a capital offence punishable with death or imprisonment for life and is facing trial therein. The present case pertains to a heinous and brutal offence of murder, wherein the petitioner is alleged to have inflicted blows with a *kassi*/spade upon the complainant's father and thereafter, in furtherance of a common intention with his co-accused, smothered him in cow dung, resulting in his death.

10. A perusal of the record further reveals that the offence allegedly committed by the petitioner and his co-accused is grave, serious and resulting of loss of human life.

11. As per prosecution case, total 22 prosecution witnesses have been cited and out of which, only 06 have been examined so far and even some material witnesses are yet to be examined, thereby, unequivocally demonstrating that trial is at a nascent stage.

12. The allegations leveled against the petitioner are specific, grave and were defined, which *prima facie* indicate his active participation in the commission of the offence. In the considered opinion of this Court the very magnitude, brutality and seriousness of the crime clearly disentitle the petitioner to the discretionary relief of bail. In the considered opinion of this Court, at this stage, no accentuating circumstances have been made which may, *prima facie*, constitute a compelling ground for the grant of regular bail to the petitioner, especially in light of the gravity of the allegations and the evidence on record. Furthermore, there exists a real and tangible apprehension that if

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enlarged on bail, the petitioner may abscond to evade trial or attempt to influence, threaten, or intimidate prosecution witnesses especially when several material witnesses are yet to be examined and the prosecution evidence is still to unfold.

13. Considering the overall facts and circumstances, as discussed hereinabove, this Court finds no merit in the present petition. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of regular bail. Accordingly, the petition is, thus, devoid of merits and is hereby dismissed.

14. Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.

15. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

16. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

April 08, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No