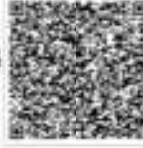


2026:PHHC:036523



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

SR. NO.106

CRM-M-18737-2022

DATE OF DECISION:10.03.2026

BIMLA DEVI

...PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present: Mr. Sushil Sheoran, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Sr. DAG, Haryana.

Mr. Prashant Singh Chauhan, Advocate
for respondents No.5 to 7 and 10.

Mr. Balraj Gujjar, Advocate
for respondents No.4 and 8.

N.S. SHEKHAWAT, J.

The petitioner has filed the present petition under Section 482 of Cr.P.C. with a prayer to quash the impugned order dated 15.02.2022 (Annexure P-3), whereby the trial of two criminal cases, i.e. COMI/370/2015 dated 20.3.2013 and COMI/33/2015 dated 08.05.2014 were ordered to be clubbed and it was ordered that there would be a consolidated charge sheet and it would be a joint trial in both the complaints.

Reply by way of affidavit dated 09.03.2025 filed in Court today

is taken on record.

Before proceeding any further, this Court would notice certain undisputed facts. In the present case, undoubtedly, two criminal complaints in question have been filed by the complainants with regard to the alleged custodial death of Satish, son of the present petitioner. Smt. Bimla Devi, the present petitioner (mother of deceased) had filed a criminal complaint under Sections 302, 342, 217, 218, 120-B, 201 of IPC, by alleging that certain police officials of Police Station Sadar Dadri and Police Station Charkhi Dadri (respondents) had connived with in-laws of Satish Kumar and had allegedly killed him in police custody. Whereas on the other hand, the complaint (Annexure P-2) was filed by Smt. Krishna Devi, mother-in-law of Satish Kumar, under Sections 302/342/201/217/218/506/120-B/34 IPC wherein, she had levelled allegations only against police officials of Police Station City Dadri and certain senior police officers of the district. However, from a perusal of the averments made in the complaints (Annexures P-1 and P-2), it is evident that even though the allegations in both the complaints pertain to the alleged custodial death of Satish Kumar; however both the complainants have given their own independent version in both the complaints. Even only a few accused are common in both the complaints filed by the petitioner and Smt. Krishna Devi. Apart from that, the list of witnesses in both the cases is different and apparently, both the complainants wished to lead their own independent and distinct evidence with regard to the offences in question.

At this stage, learned counsel for both the sides have agreed that the trial court had misinterpreted the provisions of Section 223 of the Code of Criminal Procedure and the impugned order may be set aside with

the consent of the parties. Learned Counsel also agree that in both the complaints, even though the accused are charged for the alleged custodial death of Satish Kumar, but the total accused as well as the witnesses are different in both the complaints. Consequently, even though the offences should be tried by the same Court, however the evidence in both the cases should be recorded separately and should be decided at the same time by the same court.

This Court finds that the trial Court i.e. the Court of Additional Sessions Judge, Bhiwani had wrongly interpreted the provisions of Section 223 of Code of Criminal Procedure and it was wrongly ordered that there should be only one charge sheet in both the complaints and a joint trial should be held. In fact, in terms of Section 223 of the Code of Criminal Procedure, the trial Court should have ordered the holding of separate and simultaneous trial in both the complaints. Accordingly, it is ordered that the trials arising out of both the complaints shall be taken up on same date, but evidence shall be recorded in both cases separately and shall be disposed off simultaneously by the same court. It is also ordered that both the trials shall be held by the competent court from the stage of framing of charge. The trial Court shall also consider the prayer, if any, of any accused for discharge, in accordance with law, at the time of framing of charges, on the basis of the material available before the court.

With these observations, the petition stands disposed off.

10.03.2026
mks

(N.S.SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO