



213

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21933-2026
Decided on : 25.05.2026

Aman

... Petitioner(s)

Versus

State of Haryana and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Shivansh Malik, Advocate
for the petitioner(s).

Mr. Amish Sharma, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Aman	811	04.11.2023	S. 307, 323 & 34 of IPC, 1860 [corresponding S. 109, 115 & 3(5) of BNS, 2023] During investigation S. 302 of IPC [corresponding S. 103 of BNS] was added and offence u/s 307 of IPC [corresponding S. 109 of BNS, was deleted, by learned Sessions Judge, Rohtak, while framing charges videorder dated 04.06.2024].	City Rohtak	Rohtak

2. Complainant – Chaman got registered the FIR in the present case alleging that on 03.11.2023 at about 10:30 P.M., he was standing in the street near the gate of his house when the elder brother of complainant – Aman asked co-accused – Sahil to return money of a shopkeeper.



Thereupon, Sahil started abusing him and called his brother. It is alleged that both the accused brothers started beating the complainant and his brother Aman.

Further allegations are that when the father of complainant – Kadir Ahmed intervened to rescue them, Sahil and Aman, both sons of Balwan, residents of Pir Wali Gali, Jind Road, Rohtak, started pelting bricks, causing injuries to the complainant, his brothers Aman and Shoaib, and his father Kadir Ahmed.

It was further alleged that the accused caused injuries by pelting bricks with an intention to kill them. Since the condition of Kadir Ahmed was serious, he was first taken to Civil Hospital, Rohtak and thereafter referred to PGIMS, Rohtak for treatment.

3. Learned counsel for the petitioner argues that as per the FIR itself, there are only two accused persons named therein, namely, Sahil and Aman, who are real brothers. It is submitted that none of them was armed with any weapon and the alleged injuries were caused by bricks lying at the spot during a sudden altercation.

It is further submitted that the occurrence allegedly took place at about 10:30 P.M. on 03.11.2023, whereas the FIR came to be registered on 04.11.2023. Kadir Ahmed subsequently expired on 18.11.2023 while undergoing treatment in the hospital.

4. Learned counsel further submits that no specific role was attributed in the FIR regarding causing of any particular injury either to the deceased or to the injured persons.

It is argued that only after the death of Kadir Ahmed, a



supplementary statement dated 18.11.2023 was recorded, wherein for the first time allegations regarding the specific injuries were introduced. As per the said supplementary statement, co-accused Sahil allegedly caused brick injury to deceased Kadir Ahmed, whereas the present petitioner Aman was alleged to have caused injuries to the complainant and his brothers.

5. Referring to the postmortem report, learned counsel submits that during examination of external injuries on the body of deceased – Kadir Ahmed, only one injury was noticed on the forehead across the mid-line.

Learned counsel further refers to the opinion regarding cause of death, which reads as under:-

“In our opinion, the cause of death in this case is Cranicerebral injury described and its complications.”

On the strength of the aforesaid opinion, learned counsel submits that the death was not solely on account of the injury itself, but also due to its complications. Therefore, according to learned counsel, it would remain a matter for adjudication during trial as to whether the offence ultimately would fall under Section 302 IPC [Section 103 of BNS] or any lesser offence.

It is further submitted that petitioner, who is aged about 23 years, has remained inside jail since 04.11.2023, i.e. for a period of about 02 years and 06 months.

6. On the other hand, learned State counsel has produced the custody certificate dated 22.05.2026 in Court today, which is taken on record. Office is directed to tag the same at the appropriate place.

A copy thereof has been handed over to learned counsel for the



petitioner.

7. Learned State counsel, while opposing the prayer for bail, submits that petitioner is one of the main accused and specific allegations have also been levelled against him in the supplementary statement.

It is further submitted, on the basis of the custody certificate, that petitioner is involved in four other criminal cases under different penal provisions.

However, on being asked by the Court, learned State counsel fairly concedes that complainant – Chaman and injured witness – Shoaib have already been examined during the course of trial. The period of incarceration undergone by the petitioner is also not disputed.

8. Having heard learned counsel for the parties and perused the relevant material available on record with their able assistance, this Court notices that the occurrence in question had allegedly taken place on 03.11.2023 at about 10:30 P.M. and, admittedly, none of the accused persons was armed with any deadly weapon. As per the prosecution case itself, the injuries were allegedly caused by bricks lying at the spot during the course of a sudden altercation.

It is also noticeable that in the FIR, no specific attribution was made regarding causing of any particular injury either to the deceased or to the injured persons. The allegations regarding specific injuries surfaced subsequently in the supplementary statement recorded after the death of Kadir Ahmed.

This Court also cannot lose sight of the fact that, as per the postmortem report, only one external injury was noticed on the forehead of



the deceased and the cause of death has been opined to be “craniocerebral injury and its complications”. Therefore, the precise nature of offence ultimately made out against the petitioner would be a matter to be determined by the learned trial Court after appreciation of the evidence led by the parties.

It has further been brought to the notice of this Court that the petitioner is aged about 23 years and has remained inside jail since 04.11.2023, i.e. for a period of more than 02 years and 06 months. It is also not disputed that complainant – Chaman and injured witness – Shoaib have already been examined during the course of trial.

So far as the other criminal cases reflected in the custody certificate are concerned, mere pendency of criminal cases, in the absence of any finding of conviction, cannot by itself be made a ground to deny concession of bail.

9. Accordingly, without commenting upon the merits of the case and taking into consideration the overall facts and circumstances; nature of allegations; period of incarceration already undergone by the petitioner; and the stage of trial, this Court deems it appropriate to grant concession of regular bail to the petitioner.

10. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

11. Needless to observe that the petitioner shall not extend any



threat and shall not influence any prosecution witness in any manner directly or indirectly.

12. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

13. **Petition stands disposed of.**

Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

May 25, 2026

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*