

CRM-M-27483-20261

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

265CRM-M-27483-2026

Decided on :21.05.2026

Ashish

Versus

. . . Petitioner(s)

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sanchit Punia, Advocate for the petitioner.

Mr. Parveen Kumar, Addl. A.G., Haryana.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of the BNSS, seeking regular bail in case FIR No. 705 dated 13.09.2025, under Section 302 IPC (Section 103(1) of BNS), registered at Police Station Sadar Hisar, District Hisar.
2. Learned counsel for the petitioner submits that as per the postmortem report, deceased-Harigopal was found to have suffered only two minor external injuries, which are as under:

Examination of external injuries			
Sr. No.	Injuries	Marked	Injury Number
1.	0.5 x 0.5 cm reddish abrasion over right lower orbital margins lateral most.	No	1
2.	0.5 x 0.4 cm reddish abrasion over bridge of nose 1 cm below glabella.	No.	2

Learned counsel for the petitioner further submits that as per the Medico Legal Report, patient was brought to the hospital by one Navneet at about 04:15 p.m. on 28.08.2025, where in A/H/O fall in a tank

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at around 03:30 p.m. was recorded. Counsel contends that in the initial statement dated 29.08.2025 made by complainant-Poonam (wife of the deceased), it was categorically stated that the deceased and one Ashish were cleaning an empty water tank of 2000 litres, when the deceased lost balance and fell into the tank head first, as a result of which he became unconscious and was taken to Jindal Hospital, Hisar where he was declared dead. Counsel also submits that the joint statements of persons present at the spot, namely Om Parkash, Krishan Kumar, Sanju, Deepak and Neeraj recorded on 29.08.2025 also support the version that the death was due to accidental reasons. Even, the spot inspection and initial police proceedings indicated death due to accidental circumstances.

3. Learned counsel for the petitioner argues that after a delay of about 16 days, on 13.09.2025, a new version was introduced by complainant-Poonam, alleging that the deceased and the petitioner had gone to Navneet Poultry Farm for cleaning the water tank, where a quarrel took place and the deceased was later found unconscious. Counsel also argues that complainant alleged that petitioner had extended threats to her, due to which she did not disclose the true facts earlier. Thus, subsequently complainant projected herself as an eye witness after 16 days, which raises serious doubt regarding the credibility of the improved version.

In view of the above, learned counsel for the petitioner prays for grant of regular bail.

4. Learned State counsel submits that the investigation is at a crucial stage and the version of the complainant is now that of an eye

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witness account, whereas earlier statements indicated an accidental death.

Learned State counsel further submits that there are two versions available on record, which are yet to be tested during trial, and the correctness of either version can only be determined after evidence is led. Thus, prays for dismissal of present petition.

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

6. Case presents two contradictory versions regarding the reason of death of Harigopal. The initial version, including the statement of the complainant and other persons present at the spot, suggest an accidental fall, whereas a subsequent statement after long delay, introduces allegations of assault and foul play. The Medico Legal Report reflects that it was Navneet, who brought the deceased to the hospital with history of fall in a tank, and postmortem report indicates only minor external injuries.

Without expressing any opinion on the merits of the case or the manner in which the death occurred, and considering that the petitioner is in custody for about eight months; that no weapon is stated to have been recovered from the petitioner, and that the matter rests on two competing versions, requires trial for adjudication, this Court is of the view that further incarceration of the petitioner at this stage may not be necessary.

Accordingly, 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

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Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Any of the discussion done and recorded hereabove, 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.

8. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

21.05.2026***Rashmi***

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No