

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

S.No. 113

CRM-M-38309-2025 (O&M)

Date of Decision : 04.05.2026

Kulbir

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Surinder Singh Duhan, Advocate,
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

Mr. Ajay K. Yadav, Advocate and
Mr. Ravi Malik, Advocate, for
Mr. R.N.Lohan, Advocate,
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

Prayer is for grant of regular bail petitioner in case having FIR No.250 dated 20.10.2022 registered under Sections 302, 148, 149, 341, 307 IPC and Section 25 of Arms Act at Police Station Pillukhera, District Jind.

2. Brief facts of the case are that on 20.10.2022, an information was received from Control-Room Jind in the Police Station Pillukhera regarding admission of Bijender, Vikas, Mangal and Balraj in the General Hospital, Jind, after sustaining injuries during an altercation, being referred to higher center and Dharampal being brought dead. On this information, SI Satyawar along with HC Satish reached General Hospital, Jind and obtained the medical *rukka* and MLRs. No relatives or heirs of deceased Dharampal

were found present near the dead body of Dharampal. Thereafter, they obtained the doctor's opinion regarding the condition of the injured and doctor declared Bijender, Vikas and Balraj fit for making the statement, however, injured Mangal was declared unfit for making the statement. Thereafter, Bijender moved a written complaint wherein it was mentioned that on 20.10.2022, Vikas and Rahul were returning to home from Pillukhera Mandi. On reaching village, Kulbir (present petitioner) and Ombir blocked their way near the Bus Stand and fired upon them. Vikas sustained the bullet injury on his arm. On hearing the sound of firing and noise of villagers, Bijender came out of the house and saw Dalbir, his two sons Krishan, Vinod and others, namely, Dharambir, Naresh, Satyawar along with ladies, out of which Kulbir and Krishan were having pistols, and started firing upon them indiscriminately and also attacked them with sharp edged weapons i.e. knife, Farsa, and lathies. The complainant's brother Ram Kumar took them to General Hospital, Jind where Dharampal was declared dead. Thus, the request was made to take legal action. On the basis of the same, the FIR was registered. On registration of the FIR, the investigation commenced. Resultantly, the petitioner was arrested on 23.10.2022. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge, Jind praying for the grant of regular bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Jind dismissed the bail application filed by the petitioner vide order dated 10.08.2023. The petitioner earlier approached this Court by way of filing CRM-M-41985-2023, however, the same was dismissed as withdrawn by this Court vide order dated 13.02.2025. Hence,

the petitioner is before this Court praying for grant of regular bail by way of filing the present second petition.

3. It has been contended by the counsel for the petitioner that the petitioner has been falsely implicated in the present case and was arrested on 23.10.2022. He further submits that admittedly, the case is of version and cross-version. Learned counsel for the petitioner submits that the petitioner along with two other accused is facing prosecution for the offence under Section 302 IPC whereas at the behest of the petitioner, the cross-version was registered against the complainant side and they are facing prosecution for offence under Section 307 IPC. He further submits that there was rivalry going on between both the sides and the petitioner was having his licensed weapon. On the date of the occurrence i.e. on 20.10.2022, the petitioner was waylaid by the complainant side and they opened an attack on the petitioner. The petitioner was given multiple injuries and in order to save himself, he fired upon the complainant side from his licensed weapon. He submits that the petitioner in his self-defence had fired shots and there was no intention of the petitioner to kill anyone. He further submits that in the given circumstances, the petitioner had every right to protect himself. To buttress his argument, he draws the attention of this Court to the MLR of the petitioner wherein he has been found to have suffered 8 injuries in the same occurrence. He submits that it is the complainant side who was the aggressor and not the petitioner side. He further submits that the petitioner has no criminal antecedent as he has never been involved in any other case. He thus, prays that in the facts and circumstances, he be granted bail.

4. Counsel for the complainant, however, opposed the submission made by the counsel for the petitioner and submits that it is the petitioner

who caused firearm injuries to the complainant side in which one of the person namely Dharampal succumbed to the firearm injuries, whereas, 4 other are injured. He submits that it is the petitioner side who is the aggressor.

5. Learned State counsel has also opposed the submissions made by the counsel for the petitioner. He submits that the petitioner is the main accused among other accused persons but after investigation, the challan was presented only against the petitioner and rest of the accused were found to be innocent. However, during trial, all the other accused have been summoned under Section 319 Cr.P.C.. On instructions, he submits that out of total 33 prosecution witnesses, 9 witnesses have been examined.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the present case is of version and cross-version. The petitioner is facing prosecution for the offence under Section 302 IPC whereas at the behest of the petitioner, cross-version under Section 307 IPC is also going on. MLR shows that the petitioner has suffered 8 injuries in the same occurrence. Once it is a case of version and cross-version, it would lie within the domain of the trial Court to ascertain as to which party was the aggressor. Custody certificate of the petitioner shows that he has no criminal antecedent and has suffered incarceration for 3 years, 6 months and 8 days as on 03.05.2026 and no other case is pending against him. Firearm weapon used in the offence is a licensed weapon which is issued to the petitioner. In the facts and circumstances, this Court finds that the counsel for the petitioner has successfully made out a case for grant of regular bail. Needless to say that every accused has the fundamental right of speedy trial.

7. The Hon’ble Supreme Court in *Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695* has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

8. The Hon’ble Supreme Court in a recent decision dated 03.07.2024 in *Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024*, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

9. In view of above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

10. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

May 04, 2026
Paritosh Kumar

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