

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43022-2025 (O&M)

Date of Decision: 09.03.2026

MAM CHAND

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Gaurav Vir Singh Behl, Advocate
Mr. Sagar Bansal, Advocate
and Mr. Jugraj Singh Chouhan, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, A.A.G., Haryana.

SANJAY VASHISTH, J. (ORAL)

Petitioner-Mam Chand, aged 80 years, has filed the instant petition under Section 483 of the BNSS for grant of regular bail in case FIR No.151 dated 09.07.2024 registered under Sections 115(2) BNS (erstwhile 323 IPC), 109(1) BNS (erstwhile 307 IPC), 3(5) BNS (erstwhile 34 IPC) [Section 103(1) BNS (erstwhile 302 IPC), were added later in challan] at Police Station Barara, District Ambala.

2. As per the allegations of the prosecution in the FIR, petitioner-Mam Chand was carrying a wooden plank (sherua) of cot in his hand and was saying to the complainant's brother Pala Ram that "*stop your daughter-in-law from talking to my daughter-in-law, otherwise, I will kill you today*". Saying this, the petitioner-Mam Chand hit the complainant-Maya Devi's brother namely, Pala Ram on his head with the wooden plank (sherua) of cot in his hand multiple times. When complainant shouted, many people

gathered there at the spot, however, petitioner-Mam Chand and his wife Parkasho, who had also given danda blow on left wrist and waist many times, then ran away from the spot with their respective weapons.

3. Petitioner's counsel argues that the allegations are false and even the complainant was not present on the spot. To substantiate his plea, counsel relies upon the order dated 11.02.2025 passed in **CRR-353-2025** whereby, after noticing the contention, proceedings qua co-accused Parkasho Devi have been stayed by this Court. The relevant submissions of the petitioner therein (**CRR-353-2025**) as addressed by learned counsel for the petitioner recorded therein and order passed by the Court reads as under :-

“Learned counsel for the petitioner contends by referring to CCTV footage which was examined by the police officials as is evident from the copy of the challan and the certificate Part-A under Section 63(4)(c) of Bharatiya Sakshya Adhiniyam, 2023, to the effect that genuineness of the CCTV footage has been attested depicting that petitioner, Parkasho Devi, was not present at the place of occurrence at that time, and accordingly she was declared innocent by the police after investigation, but, trial Court committed the error by allowing the application and framing charges vide order dated 19.12.2024 against her which would tantamount to abuse of process of law.

Notice of motion.

On the asking of the Court, Mr. B.S. Virk, Senior DAG, Haryana, accepts notice on behalf of the State and seeks time to file the reply.

Adjourned to 05.05.2025.

In the meanwhile, further proceedings qua the petitioner shall remain stayed till the next date of hearing.”

Thus, submits that the allegations levelled against the petitioner also, *prima facie* seems to be concocted. Moreover, petitioner undisputedly, is at the age of 80 years and it is not possible for any person of that age that he would run away from the spot so easily in the presence of several people. Additionally, it is also argued that the complainant-Maya Devi, who is eye witness to the incident, has already been examined in the witness box, so there would not be any chance with the petitioner to influence the material witnesses. Thus counsel prays for grant of bail to the petitioner.

4. Learned State counsel, produces the custody certificate dated 06.03.2026 in Court today, which is taken on record. Office to tag the same at appropriate place.

5. Learned State counsel, on instructions from SI Sandeep Kumar, Police Station Barara, District Ambala, though opposes the contentions and submits that the eye-witness has supported the case of the prosecution fully, therefore, there is no ground to consider the plea of bail. He further submits that the petitioner was noticed in the CCTV footage inflicting the injuries.

6. I have considered the submissions and noticed that the fact that petitioner is inside the jail for the period of last one year and seven months and that, no other case was found to be registered against him in his past 80 years' career. Material witness has already been examined, therefore, chance to impress upon the witness also don't survive.

Petition therefore 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.

7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.
8. 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.
9. Petition stands disposed of.

March 09, 2026
gurpreet

(SANJAY VASHISTH)
JUDGE

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