



CRM-M-45504-2025 and CRM-M-47172-2025

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

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CRM-M-45504-2025

Date of decision: 22.01.2026

NARESH

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

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CRM-M-47172-2025

SUKHBIR @ SHISHAN

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Pankaj Bali, Advocate
for the petitioner in CRM-M-45504-2025.

Mr. P.K.S.Phoolka, Advocate
for the petitioner in CRM-M-47172-2025.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Gurjant Singh, Advocate for
Mr. Y.P.S. Rathor, Advocate for the complainant.

RAJESH BHARDWAJ, J. (ORAL)

1. In the above mentioned petitions common question of law and facts are involved, so both the petitions are being disposed of by a common judgment. For brevity, facts are being taken from CRM-M-45504-2025 titled as "*Naresh Versus State of Haryana.*"

2. Petitioner(s) have approached by way of filing the present petition praying for grant of regular bail in case bearing FIR No.158 dated 02.05.2021 under Sections 120-B, 148, 149, 302, 323, 506, 307, 325 of IPC, registered at Police Station Madhuban, District Karnal.

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3. Succinctly the facts of the case is that the FIR was lodged on the statement of the complainant, namely, Narinder Kumar. It was alleged that on 30.04.2021, he was sitting in his village near Goga Maadi. In the meantime, a Scorpio car came there in which 7-8 persons were sitting. The Scorpio stopped near him, then Rinku @ Bholi, Hardeep and Naresh (petitioner in CRM-M-45504-2025) alighted from the same. Hardeep and Rinku @ Bholi caught hold him and Naresh started beating him with the rods and bindas on his legs and arms. Rinku @ Bholi also caused injuries with brick, Shishan (petitioner in CRM-M-47172-2025) and Shubham also caused injuries with bindas. He raised alarm and on hearing hue and cry, his brother Prem and father Singhu Ram rushed to the place and thereafter, the accused escaped from the place of occurrence. The request was made to take legal action against the accused persons. On the registration of the FIR, investigation commenced. Injured Narinder Kumar shifted to the hospital, thereafter, he scummed to the injuries on 22.05.2021. Though the FIR was registered earlier for the offence under Sections 323, 148, 149, 506 of IPC, however, after the death of the complainant, the offence under Section 302 IPC was added. The petitioner(s) were arrested on 17.05.2021 and 30.05.2021, respectively. On completion of the investigation, the challan was presented. On framing of charges, trial commenced. Petitioner(s) approached the learned Additional Sessions Judge, Karnal for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Sonipat declined the bail applications vide orders dated 11.08.2023 and 19.12.2023, respectively. The petitioner in CRM-M-47172-2025 has earlier approached this Court by way of filing CRM-M-39716-2024 and the same was dismissed as withdrawn vide order dated 24.10.2024. Aggrieved by the same,

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bail by way of filing the present petition whereas petitioner in CRM-M-47172-2025 is before this Court praying for the grant of bail by way of filing the present second petition.

4. Learned counsel for the petitioner(s) submit that the petitioner(s) have been falsely and frivolously implicated in the present case. They further submit that the FIR was lodged by none other than the deceased, himself, who later on he died on 22.05.2021. They further submit that the injuries were found to be simple in nature. The occurrence has taken place during (Covid-19) pandemic. They further submit that the deceased while going under treatment had become (Covid-19) positive, he suffered gangri due to the negligence in the treatment and hence, died. Subsequently, they further submit that the facts and circumstances, it is apparent that there was no intention on the part of the petitioner(s) to cause culpable homicide amounting to murder. Thus, the *prima facie* even offence under Section 302 is not made out. They further submit that petitioner(s) are in custody for the last more than 04 years. However, there is no material progress in trial. Learned counsel for the petitioner in CRM-M-45504-2025 submits that the petitioner, namely, Naresh is involved in four other case, however, out of these, he is on bail in 02 cases whereas learned counsel for the petitioner in CRM-M-47172-2025, submits that the petitioner, namely, Sukhbir @ Shishan is not involved in any other case. They further submits that the co-accused, namely, Kanwar Bhan @ Kora has already been granted bail by the Hon'ble Supreme Court of India on account of his long custody, the custody of the petitioner(s) is more than that of the co-accused. Thus, in the facts and circumstances, the petitioner(s) deserve to be granted regular bail.

5. Status report by way of affidavit in CRM-M-47172-2025 of Manoj

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behalf of the respondent-State already filed in the Registry is taken on record.

6. *Per contra*, learned State counsel has also opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner(s) are specifically named in the FIR. Their case is clearly distinguishable from that of the co-accused. He further submits that both the legs of the deceased had been amputated as he suffered gangri because of the injuries suffered. He further submits that the postmortem of the dead body was conducted and the cause of death was found on account of septicemia suffered by the complainant due to injuries. He, on instructions, submits that out of 38 prosecution witnesses, only 03 have been examined so far. He has produced custody certificates of the petitioner(s) today in the Court and the same are taken on record.

7. Learned counsel for the complainant has also opposed the bail application of the petitioner(s) on the ground that the petitioner(s) were not only part of an unlawful assembly but they have actively participated in the occurrence. He further submits that there was a motive with the petitioner(s) as one FIR was already registered against Shubham by the complainant.

8. Heard.

9. On hearing learned counsel for the parties and perusing the record, it is deciphered that the alleged occurrence has taken place on 30.04.2021. The petitioner(s) have been alleged to have cause injuries with the blunt weapons on the primarily on the legs of the deceased. He became (Covid-19) Positive during his treatment. Subsequently, he died on 22.05.2021. Custody certificate produced would show that the petitioner, namely, Naresh has completed incarceration of 04 years, 08 and 05 days as on 21.01.2026 and he is involved in 04 more case, however, he is on bail in those cases whereas petitioner, namely, Sukhbir @

Shishan has completed incarceration of 04 years, 07 months and 22 days and he is

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not involved in any other case. Out of 38 prosecution witnesses, only 03 have been examined so far. One of the accused, namely, Kanwar Bhan @ Kora has already been granted bail by the Hon'ble Supreme Court of India.

10. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

11. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the custody and the stage of the trial, this Court is of the opinion that learned counsel for the petitioner(s) succeed in making out a case for grant of regular bail to the petitioner(s). Accordingly, the present petition(s) are allowed. Petitioner(s) are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

22.01.2026
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(RAJESH BHARDWAJ)
JUDGE

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