



**CRM-M-52364-2025 and
CRM-M-69638-2025** **1**
**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

245 **CRM-M-52364-2025**

Ankit **.....Petitioner**

Versus

State of Haryana **...Respondent**
245-2 **CRM-M-69638-2025(O&M)**

Uddi @ Uddiram **.....Petitioner**

Versus

State of Haryana **...Respondent**
Decided on: 20.01.2026

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Deepender Singh, Sr. Advocate with
Mr. Dharamvir, Advocate for the petitioner
(in CRM-M-52364-2025)

Mr. Keshav Pratap Singh, Advocate and
Mr. Bharat Singh, Advocate for the petitioner
(in CRM-M-69638-2025).

Mr. Amish Sharma, Asst. A.G., Haryana.

Mr. Rahul Vats, Advocate for the complainant.

SANJAY VASHISTH, J.(Oral)

1. By way of this common order, present petitions are being disposed of together, as they arise out of one common FIR.
2. Present petitions have been filed under Section 483 of the BNSS seeking regular bail in connection with FIR No. 641 dated 07.08.2024, registered at Police Station Camp Palwal, District Palwal, under Sections 115, 117(2), 190, 191(2), 351(2), and 103(1) of the BNS (Sections 117(2) and 103(1) of the BNS were added subsequently).



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It appears that in the prayer clause of CRM-M-52364-2025, Section 117(1) of the BNS has been mentioned, possibly inadvertently, instead of Section 117(2) of the BNS.

3. As per the case of the prosecution, the complainant Madhu, wife of the deceased Bhishan Swaroop, got the FIR registered on 07.08.2024 in respect of an incident that allegedly took place between 10:00 p.m. and 10:30 p.m. on 26.07.2024. However, in the FIR, the date of the incident was wrongly mentioned as 27.04.2024, which was later corrected through a supplementary statement made by the complainant, Madhu.

4. After hearing the learned Senior Counsel for the petitioner in CRM-M-52364-2025, certain material factual aspects were recorded by this Court vide order dated 31.10.2025, which reads as under:

“1. Present petition has been filed under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in case FIR No. 641 dated 07.08.2024 under sections 351(2), 191(2), 190, 115 BNS, 2023 (Later on Section 117(1), and 103(1) BNS were added) registered at Police Station Camp Palwal, District Palwal (Haryana).

2. The incident of committing robbery inside the shop of the complainant-Madhu took place on 27.07.2024 at about 10:30 p.m. At the time of incident, complainant and her husband Bishan were present at the shop and demand of Rs.2,000/- was made by accused persons Vinod and Sachin in a drunken condition. On blatant refusal of the



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demand, scuffle took place and injuries were caused to Bishan (now deceased), Saurav and Virender. For complete 11 days, no complaint in regard to the incident was made, however, for the first time on moving complaint by the complainant, an FIR was registered on 07.08.2024.

3. *Further submits that for the treatment purpose, of the injured- Bishan was admitted in hospital and then discharged thrice from the hospital and it was the 4th time, when he was again got admitted, but he died on 10.10.2024, i.e. after a period of 74 days, i.e. after much belated time of the incident.*

4. *Further, contends that during the course of the investigation allegations of committing robbery and use of country made pistol were found false and the injuries suffered by the injured are found to be caused by the blunt weapons. It is further argued by the learned Senior Advocate that, role attributed to the petitioner is of giving a lathi blow on the left hand, whereas while conducting post mortem examination, no such injury was noticed by the doctor. Thus prima facie allegation and the attribution assigned to the petitioner is not found substantiated.*

5. *Petitioner is inside jail since 10.12.2024 i.e. for a period of 1 year and 15 days and despite granting three effective opportunities not a single prosecution witness has appeared, despite issuance of theailable warrants against them. Further to make the facts clear, it is argued*



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that the cause of death is opined as head injury and injury in that regard is attributed to the co-accused Vinod and Rahul. Initially four accused were challaned i.e. 1)Vinod, 2)Ankit, 3)Uddi and 4)Vijay @ Antti and 5th accused who is (petitioner's brother) has also been challaned, now, after filing the first final report. Other coaccused are yet to be arrested.

6. *Thus, learned Senior Advocate argues that primarily it could also be a moot question during the course of trial, whether the offence in the instant case is of causing murder or of culpable homicide, not amounting to murder. Thus prays for grant of concession of regular bail.*

7. *Learned Assistant Advocate General, Haryana prays for grant of sometime to file the status report.*

8. *Adjourned to 19.11.2025 ”*

5. On the next date of hearing, i.e. 20.11.2025, a status report was filed by the respondent-State, and it was contended on behalf of the petitioner that despite three opportunities, having been granted to the prosecution to examine its witnesses before the trial Court, none of the witnesses appeared. Consequently,ailable warrants were issued for securing their presence.

Realizing the necessity of recording the statements of the witnesses at the first instance and noticing that the next date fixed before the learned trial Court for recording of evidence was 14.01.2026, another opportunity was granted to the witnesses to appear on the said date.



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Accordingly, the proceedings in the present petition were deferred to 20.01.2026, i.e. today.

6. Continuing his submissions, Mr. Deepender Singh, learned Senior Advocate, produced a copy of the zimni order dated 14.01.2026 and submitted that once again the witnesses chose not to appear before the trial Court despite having been duly served, including through phone calls and WhatsApp messages. Besides this, petitioner-Ankit (in CRM-M-52364-2025) has moved an application seeking permission to subject himself to a polygraph (lie detector) test, which is presently pending consideration.

Learned Senior Counsel clarified that the pendency of the said application cannot be treated as a hindrance to the recording of the statements of the witnesses, as the same can be decided independently while the process of recording evidence continues.

Reiterating his submissions, learned Senior Counsel further pointed out that the role attributed to petitioner-Ankit is that of having inflicted a lathi blow on the left hand of the deceased-Bhishan Swaroop, which was found to be grievous in nature. However, the said injury was not noticed at the time of the post-mortem examination. Therefore, the manner in which the injury was subsequently noticed and opined upon would be a matter to be examined during the course of the trial.

7. While making submissions on behalf of petitioner-Uddi @ Uddiram (in CRM-M-69638-2025), Mr. Keshav Pratap Singh, Advocate, contended that although the petitioner-Uddi @ Uddiram was named in



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the FIR, the role attributed to him is limited to having allegedly inflicted a lathi blow on the legs of witness Birender, and that his name surfaced only through a supplementary statement of the said witness-Birender, recorded on 27.08.2024, i.e. after a delay of about one month from the date of the incident.

Thus, learned counsel for the respective petitioners pray for the grant of regular bail.

8. On the other hand, learned State counsel read out paragraph No. 5 of the status report and submitted that there are a total of three victims in the case, namely: (i) the deceased, Bhishan Swaroop, and (ii) two injured persons, Birender and Saurabh. It was further submitted that all the victims sustained blunt injuries and that no sharp injuries were noticed during either the medico-legal examination or the post-mortem examination. On the basis of these submissions, learned State counsel prayed for dismissal of the present petitions.

9. I have heard the learned counsel for the parties and have gone through the paper-books as well as the status report appended thereto.

10. The cause of death in the present case, as mentioned in the post-mortem report, is as under:

“ After going through PMR report CH/PA/PMR/1300/2024, MLC SNJ/MLR/14/2024/PWL, Histopathological report PM08/2024, and hospital records of the deceased from Metro Hospital dated 27.07.2024 to 21.08.2024, 23.08.2024 to 21.09.2024, and 02.10.2024 to 10.10.2024, diagnosed as Left lower limb DVT (thrombolysed), LVFT=60.1, sepsis with shock,



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severe metabolic acidosis, hypokalemia, paralytic ileus, AKI, anaemia, FOC, polytrauma with severe head injury with multiple fractures with haemorrhagic contusion. The cause of death in this case, in my opinion, is injuries and their complications."

Thus, it primarily appears that the cause of death has been opined to be on account of a head injury, and the injury so attributed is specifically alleged to have been caused by co-accused, namely Vinod and Rahul, and not by the present petitioners before this Court. Victim, Bhishan Swaroop, expired 75 days after the incident. A question may, therefore, arise before the learned Trial Court as to whether the crime in question amounts to murder or culpable homicide not amounting to murder.

Till date, none of the prosecution witnesses have been examined, despite ample opportunities having been granted, including by this Court.

Petitioners, who have been in custody for a period of about one year and two months, are accordingly allowed the relief prayed for in the present petitions. Consequently, the present petitions are allowed. The petitioners are ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of the learned Trial Court/Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate concerned, provided they are not required in connection with any other case.

11 Considering the nature of the allegations and the fact that the witnesses are yet to appear before the trial Court, it is appropriate to impose certain conditions on the petitioners. Accordingly, upon release on bail, both petitioners shall not enter the concerned village until the



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statements of the material witnesses, including eyewitnesses and injured witnesses, are recorded.

The SHO of the concerned police station shall ensure that the petitioners do not enter the village until the statements of the complainant, injured persons, and other victims have been recorded.

12. However, it is clarified that, if any complaint is made by a member of the victim's side alleging threat or undue influence by the petitioners or any member of their family/party, the matter shall be immediately brought to the notice of the learned trial Court. The concerned Public Prosecutor shall, after conducting a primary inquiry, move an application for cancellation of the bail of the petitioners, if warranted.

13. Any discussion recorded herein shall not be construed as an expression of opinion on the facts of the case. The learned trial Court is expected to decide the matter independently, based on the evidence available on record, and expeditiously in accordance with law.

14. In the above terms, the present petitions stand disposed of.

15. A photocopy of this order be placed on the file of another connected case.

**(SANJAY VASHISTH)
JUDGE**

January 20, 2026
Rashmi

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**