

CRM-M-57376-2025

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**223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-57376-2025**

Date of Decision: 12.01.2026

Shivansh Chauhan

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Kapil Aggarwal, Advocate, for the petitioner.

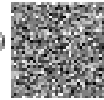
Mr. Tanuj Sharma, AAG, Haryana.

Mr. Shivam Kaushik, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.240 dated 10.09.2023, registered under Sections 304, 34 IPC, at Police Station Sadar Ambala, District Ambala.

2. Succinctly, facts of the case are that the FIR in the present case was lodged on the statement of the complainant, namely, Raj Kumar. It was alleged that his son Gaurav was of the age of 32 years, who became a drug addict. To treat his son Gaurav, he was admitted in Kalyan Foundation Drug De-addiction Centre, Village Maukha Majra on 05.09.2023. However, on 09.09.2023, at about 11:50 p.m., the complainant received a phone call from Satpal Sharma Manager/Operator of the Drug De-addiction Center that due to shoot up of BP, condition of his son became worse and hence, he has been admitted to Civil Hospital, Ambala. On receiving the information, he alongwith his wife and daughter-in-law reached the hospital where he found his son to be dead. It was alleged that his son Gaurav died due to torture given by the Manager Satpal Sharma, Warden Shivansh Chauhan (petitioner), Amandeep Sandhu, Jagdev Sandhu. Thus, request was made to take legal action against the culprits. On the registration of the FIR, the

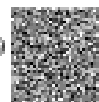


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investigation commenced. The petitioner was arrested on 01.10.2023. Postmortem of the dead body was conducted. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Additional Sessions Judge- Fast Track Court under POCSO Act, Ambala praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 15.04.2024. Being aggrieved, the petitioner earlier approached this Court twice for grant of regular bail by way of filing CRM-M-27762-2024 and CRM-M-37937-2024, however, both petitions were dismissed as withdrawn/dismissed vide orders dated 04.06.2024 and 05.02.2025, respectively. Hence, the petitioner has again approached this Court praying for grant of regular bail by way of filing the present third petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case only being the employee of the Drug De-addiction Center. He submits that the deceased was admittedly a drug addict and the petitioner without any rhymes and reasons, had been held to be responsible for his injuries. It is submitted that the petitioner cannot have any intention to cause injuries to the deceased. To buttress his arguments, learned counsel for the petitioner has submitted that Mohit and Harish Kumar, who are the patients in the Drug De-addiction Center, had been examined as PW-1 and PW-4, respectively and both of them have not supported the case of the prosecution. It is further submitted that the material witnesses have already

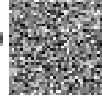


been examined and thus, there is no probability of the petitioner influencing the prosecution witnesses. He submits that though the petitioner had faced prosecution in one more FIR, however, he had been acquitted in the same. He, thus, submits that the petitioner deserves to be granted regular bail.

4. *Per contra*, learned counsel for the complainant has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that admittedly son of the complainant was admitted in the Drug De-addiction Center, where the petitioner was employed. Son of the complainant was caused injuries by the petitioner and the other co-accused, who are also employed in the Drug De-addiction Center. He, thus, submits that the petitioner had played an active role in causing the death of the son of the complainant. He, thus, submits that no case for the grant of bail to the petitioner is made out.

5. Detailed status report dated 30.12.2025 by way of affidavit of Vijay Kumar, HPS, Deputy Superintendent of Police, HQS Ambala filed in Court is taken on record. Learned State counsel has also vehemently controverted the submissions made by counsel for the petitioner. He has submitted that the ocular version has been medically corroborated, as the cause of death has been found due to the injuries suffered by the deceased. On instructions, he has submitted that out of total 30 prosecution witnesses, 13 witnesses have been examined. He has placed on record the custody certificate of the petitioner.

6. After hearing counsel for the parties and perusing the record, it is deciphered that son of the complainant was admitted in the Drug De-addiction Center on 05.09.2023 and thereafter, he was admitted in Civil



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Hospital, Ambala on 09.09.2023. Admittedly, the deceased was admitted in Drug De-addiction Center as he had fallen victim to the drug abuse. The petitioner was arrested on 01.10.2023. The custody certificate would show that the petitioner has suffered incarceration of 02 years, 03 months & 10 days as on 11.01.2026. Material witnesses already stand examined, out of which two witnesses have not supported the case of the prosecution and were declared hostile.

7. 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. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, 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.

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

(RAJESH BHARDWAJ)
JUDGE

12.01.2026
sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No