



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Sr. No.109

CRM-M-61574-2025  
Date of Decision: 07.03.2026

KRISHAN KUMAR

...Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Ms. Ridhima Malik, Advocate for  
Mr. Ravi Ambawata, Advocate  
for the petitioner.

Mr. Sushil Bhardwaj, Addl. A.G. Haryana and  
Ms. Jasmine Gill, AAG, Haryana.

Mr. S.K. Yadav, Advocate  
for the complainant.

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MANDEEP PANNU, J. (Oral)

1. This is the first petition under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail during the pendency of trial to the petitioner in case bearing FIR No. 279 dated 09.08.2023, initially registered under Sections 279, 337 and 304-A of the Indian Penal Code, 1860 (the said sections having been deleted during investigation), and thereafter Sections 323, 302 and 120-B of the Indian Penal Code, 1860 having been added, registered at Police Station Sadar Mahendergarh, District Mahendergarh, Haryana.

2. As per the record, the present FIR was initially lodged on the statement of Ajay Kumar, husband of the deceased Anita. In his complaint, he stated that on 08.08.2023 at about 8:00 p.m., he along with his wife Anita



and daughter Pooja was returning from Khalda Wala Mandir; he was riding a separate motorcycle, whereas his wife and daughter were travelling on a scooty bearing registration No. HR-34L-5442, driven by his daughter. When they reached near village Palli, an unknown vehicle allegedly came from behind in a rash and negligent manner and hit the scooty, resulting in the death of his wife at the spot and serious injuries to his daughter. On the basis of the said statement, FIR No. 279 dated 09.08.2023 was registered at Police Station Sadar Mahendergarh initially under Sections 279, 337 and 304-A IPC against an unknown driver. However, during the course of investigation and upon recording of statements of witnesses and collection of other material, it transpired that the occurrence was not a mere road accident as projected by the complainant. Rather, it was alleged that Ajay Kumar himself had conspired to eliminate his wife by staging the incident as a road accident, whereupon Sections 302, 323, 120-B and 34 IPC were added and he was arrayed as an accused. It further surfaced during investigation that the truck involved in the occurrence was allegedly being driven by co-accused Bittu, while the present petitioner Krishan Kumar was also present in the said truck. Consequently, Krishan Kumar was also implicated in the case on allegations of having participated in the criminal conspiracy to murder the deceased in furtherance of the common intention of the accused persons.

3. Learned counsel for the petitioner contends that the present petitioner has been falsely implicated in the case and that his name does not figure in the initial version of the prosecution. It is submitted that in the FIR lodged by Ajay Kumar, the occurrence was projected as a hit-and-run case



by an unknown vehicle, and only at a later stage the prosecution story was changed to convert the alleged accident into a case of conspiracy and murder. The petitioner was neither driving the truck nor had any role in causing the accident and was merely present in the vehicle as an employee/cleaner of co-accused Bittu. It is argued that mere presence in the offending vehicle does not establish participation in any criminal conspiracy. Learned counsel further submits that there is no material to show any meeting of minds between the petitioner and the main accused Ajay Kumar, and that the petitioner had no knowledge of any alleged plan. It is also contended that the statements of the witnesses are contradictory, inasmuch as initially the injured witness stated that an unknown vehicle had hit the scooter, and only subsequently improvements were made to implicate Bittu and the present petitioner. The petitioner asserts that he has been arrayed as an accused only to strengthen the prosecution case at a later stage due to alleged family disputes, and that no specific overt act has been attributed to him except his alleged presence in the truck.

4. Learned State counsel has opposed the prayer for grant of regular bail on the ground that the present petitioner Krishan Kumar was present in the offending truck along with co-accused Bittu, who was driving the said vehicle at the time of occurrence. It is contended that the main accused Ajay, husband of the deceased, had entered into a criminal conspiracy with the co-accused, including Bittu and the present petitioner, to eliminate his wife under the guise of a road accident. In furtherance of the said pre-planned conspiracy, the truck driven by Bittu allegedly hit the scooter of the deceased from behind at a high speed, resulting in her death.



He further submits that the injured witness, who appeared as PW1 before the trial Court, has categorically deposed that it was not an accident but a deliberate act, and that Bittu was driving the truck while Krishan Kumar was also sitting therein. It is further argued that PW1 has stated that all the accused attempted to kill her and succeeded in killing her mother, and therefore the petitioner is an active participant in the conspiracy and does not deserve the concession of bail.

5. Having heard learned counsel for the parties and perused the record, this Court finds that the petitioner has been in custody for about two and a half years. It is not in dispute that the material witnesses, including PW1—the injured who is the daughter of the deceased has already been examined before the trial Court. In her deposition, PW1 has stated that there was a family dispute between her parents and that her father Ajay had conspired to eliminate her mother by making the occurrence appear as a road accident, and that the truck was being driven by co-accused Bittu while the present petitioner Krishan Kumar was also sitting in the said truck. However, except for the allegation of his presence in the vehicle, no specific overt act has been attributed to the petitioner to demonstrate his active participation in the alleged conspiracy. The trial is likely to take time for its conclusion, and continued incarceration of the petitioner, particularly when the principal witnesses stand examined, would serve no useful purpose. Keeping in view the period of custody, the stage of the trial, and the limited role attributed to the present petitioner, this Court is of the considered opinion that he deserves the concession of regular bail.



6. Accordingly, the present petition is allowed and the petitioner Krishan Kumar is ordered to be released on regular bail subject to furnishing adequate bail bonds and surety bonds to the satisfaction of the learned Trial Court/Duty Magistrate and subject to usual conditions.
7. However, nothing observed herein shall be construed as an expression of opinion on the merits of the case.
8. All pending applications, if any, also stand disposed of.

07.03.2026  
Anu

(MANDEEP PANNU)  
JUDGE

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