



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215

Date of decision: 23.01.2026

(1) CRM-M-69413-2025

SACHINPetitioner

VERSUS

STATE OF HARYANARespondent

(2) CRM-M-73775-2025

PARSHANT @ PUSHKARPetitioner

VERSUS

THE STATE OF HARYANARespondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Shivansh Malik, Advocate for the petitioner
in CRM-M-69413-2025.

Mr. Sanpreet Sandhu, Advocate for the petitioner(s)
in CRM-M-73775-2025.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. S.B. Panchal, Advocate
for respondent/complainant in CRM-M-73775-2025.

VINOD S. BHARDWAJ, J. (Oral)

Both the above-mentioned bail petitions are being decided by a
common order since they arise out of the same FIR bearing No. 65
dated 17.03.2025, registered under Section(s) 110, 115, 190, 191(3) and

351(3) of the BNS (Section 110 BNS was deleted and Section 103(1), 109(1) and 61 BNS were added later on) at Police Station Sadar, District Rohtak.

2. Briefly summarized, the case of the prosecution as mentioned in the order of the trial Court reads thus:-

"The present case is based upon the complaint of complainant Devvrat son of Daya Singh, resident of Titoli, District Rohtak to the effect that he is working as private Welder in MDU, Rohtak. On 17.03.2025 at around 7.30 he left for his duty on his motorcycle no. HR12AG-9012 CD DELUX. At about 8.00 a.m. when he reached near Nasirpur bypass near the canal outside his village, in the meantime a white colour TATA NEXON Car tried to run over him with the intention to kill him. He saved himself from it, during which his motor-cycle fell down on a pile of mud and he fell down from the motor-cycle. After this 5-6 young boys alighted from the car with iron pipes and pistols in their hands and came towards him with the intention to kill him. On seeing them, he got up and started running towards the fields. All of them ran after him with pistols and pipes. After a little distance they surrounded him and hit him hard on both his legs. Out of them one showed him a pistol and said, kill him. Those boys broke both his legs by hitting them with a pipe repeatedly. After that he shouted loudly and on hearing the noise many passerby came to the spot. After this, all the boys, whose names he does not know, left him and threatened to kill him and fled from the spot in a car. He took a passerby's phone and called his brother Yashveer. Those boys had also broken his phone in the fight. His brother Yashveer came and took care of him and brought him to PGIMS, Rohtak for treatment. He prayed for taking legal action against those boys. On the basis of this complaint, the FIR under Sections 110,190,191(3), 115(2), 351(3) of BNS was registered. During

treatment, complainant Devvart had expired. Offence under Sections 109, 103(1), 61(2) of BNS were added."

3. Learned Counsel appearing on behalf of the petitioner(s) contend that the petitioners had not been named in the FIR and it was merely alleged that 5-6 persons had alighted from the vehicle and caused injuries after intercepting the deceased. It is submitted that as per the allegations, all the injuries were on the legs and refers to the MLR dated 17.03.2025 in support of his arguments. The injuries are tabulated herein after below:-

<i>Sr. No</i>	<i>Injuries</i>	<i>Marked</i>	<i>Injury Number</i>
<i>1</i>	<i>1. A lacerated wound of size approx. 5x2.5 cm present over right leg proximal one third anteriorly. Active bleed present.</i>	<i>No</i>	<i>1</i>
<i>2</i>	<i>2. Pain swelling present over right ankle medially.</i>	<i>No</i>	<i>2</i>
<i>3</i>	<i>3. Pain swelling deformity present over left leg distal one third.</i>	<i>No</i>	<i>3</i>
<i>4</i>	<i>4. Pain swelling present over left leg.</i>	<i>No</i>	<i>4</i>
<i>5</i>	<i>5. Conclusion two in number red in colour each size approx. 6x2 cm present over left thigh distal region anteriorly.</i>	<i>No</i>	<i>5</i>
<i>6</i>	<i>Adv. Ortho opinion</i>	<i>No</i>	<i>6</i>
<i>7</i>	<i>Further injuries may be added during the course of treatment.</i>	<i>No</i>	<i>7</i>

4. It is contended that all the injuries on the legs and thighs as above were in no way sufficient in any ordinary course to cause death. He submits that notwithstanding the complainant-deceased Devvart having undergone treatment with PGIMS, Rohtak, where his general condition was stable, he took a discharge against medical advice on 17.03.2025 and got himself admitted to Oscar Super Specialty Hospital and Trauma Centre at Rohtak. It is submitted that as per the report dated 22.03.2025, the general condition of the deceased was fit but he still took a discharge against medical advice on 23.03.2025. It was specifically mentioned in the discharge summary that the deceased was a known case of patient living with HIV Aids (PLHA). He submitted that after having taken discharge against medical advice, the injured Devvart passed away on the same day i.e. 23.03.2025 which resulted in Section 103 of the BNS, 2023 being added to the FIR alongwith other section.

5. Counsel contends that as per the postmortem report, the cause of death was a cumulative effect of the injury sustained and the complications arising therefrom but the complications are not because of the injuries but because of deceased being a patient of HIV Aids. Counsel contends that even though the petitioners are not named in the FIR and no specific attribution has been made to them, yet, assuming the allegations to be correct, the nature of injuries cannot be said to be sufficient to attract Section 103 BNS. He contends that there was also no occasion for the petitioners to know about the deceased being a patient of HIV Aids or that the injuries inflicted on legs may lead to death. It is submitted that due to the disease suffered by the victim his immune system may have huge immuno deficiencies and he consequently passed away. He contends that the

petitioners are not involved in any other case and whether the offences would be attracted or not shall be decided during the course of trial. The petitioners are in custody since 21.04.2025 (Sachin) and 16.04.2025 (Parshant @ Pushkar) respectively. There are 50 witnesses to be examined and no witness has been examined so far, hence, conclusion of trial shall take long.

6. Learned State Counsel as well as the counsel for the complainant do not dispute that no specific role and injury have been attributed to the petitioners. It is however submitted that the petitioners were part of unlawful assembly. They do not dispute that the petitioners are not involved in any other criminal case. The period of custody as well as the stage of trial also remain undisputed.

7. Having heard learned counsel appearing on behalf of the respective parties and taking into consideration that arguable issues would arise as to whether the offence under Section 103 is made out in the present case which shall be determined during the trial coupled with the clean criminal antecedents of the petitioners, the nature of allegations levelled against them and the period of custody already undergone, I deem it appropriate to allow these present petitions and enlarge the petitioner(s) on regular bail to the satisfaction of the trial Court.

8. The instant petitions are allowed and the petitioner(s) are ordered to be released on regular bail on their furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

9. It is made clear that the petitioner(s) shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.
10. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

JANUARY 23, 2026
Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No