



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

120

CRM-M-70824-2025 (O&M)

Date of decision: 02.04.2026

Lakshman Singh

...Petitioner(s)

VERSUS

State of Haryana

...Respondent(s)

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

Present :- Mr. Bijender Dhankhar, Advocate for the petitioner(s).

Ms. Chhavi Sharma, AAG Haryana assisted by
ASI Satbir Singh.

Mr. Mazlish Khan, Advocate for the complainant.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant petition has been filed for grant of regular bail to the petitioner(s) in case bearing FIR No.153 dated 21.03.2023, registered under Section(s) 302, 120-B, 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Hodal, District Palwal.

2. The present FIR was registered on the statement of Akshay, which reads to the following effect:-

“Today on dated 21.03.2023, I and my father Raju son of Raghunath were standing in front of Panchayat House at around 10:00 AM, when Hari Om, Kartik son of Jawahar came to us and bumped their motorcycles into my father, when we questioned them, they abused us and threatened to kill us and left. Anticipating a fight, we called the police on 112 and gave

an application in the police station. When we reached village after submitting the complaint, Hari Om, Kartik son of Jawahar, Shri Gopal son of Mohar Pal, Dharmender son of Dalip, Davender son of Naval, Pappu son of Girdhar, Tota Ram son of Bhim Singh, Dharmender son of Shri Gopal, Devi Singh son of Billu and 3-4 other people resident of Khirvi were planning to create a ruckus at the house of Shri Gopal. I was working on my farm at around 2:00-2:30 PM, when my father Raju was bringing milk for me from home, than I saw near Shiv Bhatta, friends of Hari Om and Kartik had surrounded my father. On hearing the screams of my father, I started running towards him to save him, then we saw that my father was being assaulted by Dharmender son of Dalip, Tota Ram son of Bhim, Shri Gopal son of Mohar Pal, Pappu son of Girdhar and Kartik. Hari Om fired bullets from the weapon which they were holding in their hands with the intention of killing my father. My father was shot once in the armpit and once in stomach. My grandfather Roop Chand son of Ram Chand, resident of Khirvi also reached the spot and I and my grandfather Roop Chand saw my father's feet but due to anxiety, we could not see all the wounds. My father died on the spot due to assault carried on him and bullets were fired by all the above mentioned people. Hearing the noise, people from vicinity came and when the police arrived, they took my father to Government Hospital, Palwal and we submitted a request to the Government Hospital

for handing over my father's body to us after conducting the post-mortem. That I request strict legal action be taken against Hariom, Kartik son of Jawahar Singh, Shri Gopal son of Mohar Pal, Dharmender son of Dalip, Davender son of Naval, Pappu son of Girdhar, Tota Ram son of Bhim Singh, Dharmender son of Shri Gopal, Devi Singh son of Billu and other 3-4 people, whom I am unable to recognize and justice be given.”.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case, he was neither named in the FIR nor a suspect in the alleged occurrence. He contends that the petitioner was even not present at the place of occurrence which such fact can be verified from the attendance sheet of Electricity Department, Nuh and also did not cause any injury to the deceased or to any other person. It is contended that the petitioner was nominated as an accused on the disclosure of co-accused Hari Om and that too after nearly two years of the registration of the present FIR. He submits that the investigation in this case was carried out by an IPS officer, who first recorded specifically that the petitioner was not involved, however, later on, a polygraph test was conducted on 30.04.2025 and on the strength of the said test, he was nominated as an accused. It is contended that the petitioner was taken in custody on 02.07.2025. He contends that a polygraph test is not conclusive proof of evidence. It merely records physiological response such as changes in heart rate, blood pressure and, therefore, cannot definitively establish that a particular answer is false. It is further contended that the requisite test about the heart rate, pulse, precipitation, breathing orders and blood-pressure etc.

had not been taken before commencement of the test, hence, the test results may not be correct reflection. It is further argued that as per the case of the prosecution, the petitioner had undertaken a recce on behalf of the other co-accused and informed them when the deceased went to the fields at around 2.30-3.00 p.m. to deliver food to his son-Akshay. It is argued that apart from another FIR No.83 dated 07.02.2023 registered under Sections 148, 149, 323, 452, 506, 509 of the Indian Penal Code, 1860, at Police Station Hodal, District Palwal, the petitioner has no other criminal antecedents. He further submits that only 01 out of the total 31 prosecution witnesses has been examined so far and the trial is likely to take a long time to conclude. It is also contended that the petitioner had no motive and the dispute, if any, was inter se between Dharmender with Hari Om and the deceased. The petitioner has been roped in solely because he was supporter of Dharmender in the Panchayat Elections wherein wife of Dharmender was a contestant and lost against wife of Roopchand @ Pappu, one of the family member of the complainant.

4. Learned counsel for respondent-State as well as the counsel for the complainant, contend that the involvement of the petitioner in the present case is well established from the poly-graph test and thereafter, he was taken in custody. They further submit that the said evidence is sufficient to reflect active participation in commission of the offence and had he not forwarded the information, the offence in question may have been averted.

5. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the arguments as well as the documents appended with the instant petition with their able assistance.

6. Taking into consideration the facts and circumstances as noted above, including the nature of allegations levelled against the petitioner and he being eventually found innocent in the proceedings and being roped in solely on the basis of a result of polygraph test, which such result give rise to arguable issues to be determined during the course of the trial, the stage of trial wherein only 01 witness out of 31 has been examined so far, and also the arguable plea raised by the petitioner with respect to his presence at the place of occurrence by relying upon the documented government record pertaining to his presence at the office of Sub-Divisional Officer (Operations), Sub-Division, DHBVNL, Nuh, I deem it fit to allow the instant petition.

7. Accordingly, the instant petition is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. 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

02.04.2026

Mangal Singh

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