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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M No.21713 of 2025  
Date of decision : 07.08.2025**

**Ajay Kumar**

**.....Petitioner**

**versus**

**State of Haryana**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

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Present :- Mr. D. S. Virk, Advocate  
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

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**RAJESH BHARDWAJ, J. (Oral)**

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.262, dated 13.06.2023, under Sections 302, 34 IPC, registered at Police Station Sadar Sirsa, District Sirsa.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Nawab @ Gulab. It was alleged that his brother, namely, Atma Ram was doing the job of Sweeper in Municipal Corporation, Sirsa. He had one son, namely, Ajay Kumar (petitioner). It was alleged that his brother was



residing with his wife and son. In the intervening night of 12/13.06.2023, at about 04:00 A.M., Kailash and Ajay Kumar threw his brother, namely, Atma Ram from the stairs by pushing him and his brother was beaten with bamboo sticks. His brother succumbed to the injuries. On 13.06.2023, his son-in-law, namely, Vinod Kumar, informed him that Atma Ram was murdered by his son, Ajay Kumar and his wife, Kailash. They reached the place of occurrence where his bhabhi, Kailash and nephew, Ajay Kumar were present. Both of them apologized before him and his brother, Raj Kumar that they should be forgiven for their conduct in murdering Atma Ram. The request was made to take legal action against both of them. On registration of the FIR, the investigation commenced. During the investigation, the petitioner was arrested on 13.06.2023. The petitioner approached the Court of learned Sessions Judge, Sirsa, praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Sessions Judge, Sirsa declined the petition filed by the petitioner vide order dated 19.03.2024. Being aggrieved, the petitioner earlier approached this Court by way of filing CRM-M-26059-2024, however the same was dismissed as not pressed, qua the petitioner, vide order dated 14.11.2024. Hence being aggrieved, the petitioner is again before this Court by way of filing the present second petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that there is no witness of the occurrence and the petitioner has been implicated in the present case on the basis of



presumptions and assumptions. He has submitted that the occurrence has taken place in the month of June, when father of the petitioner, namely, Atma Ram was sleeping on the terrace and as he was drunk, he fell down, on account of which, he received injuries and succumbed to the same. He has submitted that in a premeditated manner, the petitioner and his mother were falsely implicated in the present case. He has submitted that Dr. R. K. Dahiya, PW-7, who conducted the postmortem of the dead body of Atma Ram, had deposed before the trial Court that exact cause of death of the deceased could not be assessed and the possibility of death was due to the failure of function of heart as a result of pre-existing coronary artery disease which can be exaggerated by the multiple injuries sustained by the deceased. He has submitted that the petitioner was alleged to have confessed before Vinod Kumar regarding the offence committed, however Vinod Kumar has been examined before the trial Court as PW-6 and he has not supported the case of prosecution and has turned hostile. He has submitted that the complainant, namely, Nawab @ Gulab died before he could be examined before the trial Court. He has submitted that the petitioner has no criminal antecedents and in the facts and circumstances, when majority of the material witnesses already stand examined, he deserves to be granted bail.

4. *Per contra*, learned counsel for the State however has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is none other than the son of deceased. He has submitted that at the time of occurrence, only the petitioner and his mother were there in the house and the deceased, Atma Ram died an



unnatural death, which is proved from the overwhelming evidences produced. He has submitted that out of total 14 prosecution witnesses, 11 witnesses already stand examined. He has produced custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the occurrence in the present case has taken place in the intervening night of 12/13.06.2023. The deposition of Dr. R. K. Dahiya before the trial Court would show that the chemical examiner report, i.e. Exhibit P-Y showed the presence of Ethyl Alcohol in the dead body of Atma Ram. As per Doctor, the exact cause of death also could not be assessed. Needless to say that on the perusal of custody certificate shows that the petitioner has suffered incarceration of 02 years, 01 month and 22 days as on 06.08.2025. custody Certificate further shows that the petitioner is not involved in any other case. Out of 14 prosecution witnesses, 11 witnesses have been examined.

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.

8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the



satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

**07.08.2025**

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**(RAJESH BHARDWAJ)  
JUDGE**

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