



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-57308-2024

Reserved on: 28th April, 2025

Pronounced on: 30th April, 2025

Pawan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Surjit Singh, Advocate for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 321 dated 26.04.2024 registered under Sections 148, 149, 302 and 323 of IPC (Sections 148 and 149 removed and Section 34 of IPC added later on) at Police Station Assandh, District Karnal.

2. Adumbrated facts as emanating from the record are that on 26.04.2024, on receipt of an information regarding unnatural death of victim Satbir, a police party headed by PSI Sandeep reached at the spot, where the complainant Krishan, elder brother of the victim Satbir, submitted a written complaint alleging therein that on the evening of 23.04.2024, the victim had gone towards the bus-stand where the petitioner and co-accused had met him. Co-accused Amit had demanded money from the victim for the purpose



of buying liquor. The victim had refused to oblige him and feeling offended, accused-Amit had brought a *danda* from a nearby shop and then he along with the petitioner had assaulted the victim by giving *danda* blows on his chest and other parts of his body and also gave him fist blows and kicks, whereas the co-accused Amit also struck blows with *danda* on the person of the victim. The victim came back home in the night of 23.04.2024 but he did not disclose about the incident to anybody. On the next day, he was having chest pain and had brought medicine from the Government Hospital. On 25.04.2024, his condition worsened and then he disclosed about the aforementioned facts to the complainant. He was taken to a local hospital and was advised to go to a higher centre. He had taken medicine. On the same night, he succumbed to the injuries and had died. On his complaint, the aforementioned FIR was registered. Investigation proceedings were initiated. During investigation, offences under Sections 148 and 149 of IPC were deleted and offence under Section 34 of IPC was added. The petitioner and co-accused Amit were arrested on 27.04.2024. They suffered disclosure statements admitting their involvement in the crime and demarcated the place of occurrence. Investigation stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There was delay of three days from the date of incident, in lodging of the FIR. No external injury was found on the dead body of the victim. There is no direct incriminating evidence against him. Trial will take considerable time to conclude. His further incarceration



would not serve any useful purpose. Accordingly, it is urged that the petition does not deserve to be allowed.

4. Status report has been filed by respondent-State. It is argued by learned Deputy Advocate General, Haryana that there are serious allegations against the petitioner. He was named in the FIR. Specific acts has been attributed to him. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. Rival contentions raised by learned counsel for the parties have been considered.

6. The petitioner along with the co-accused is alleged to have assaulted the victim on the evening of 23.04.2024 and to have struck blows with *danda* on his chest and other parts of his body. The victim had died on 25.04.2024. However, he had made complain of chest pain on 24.04.2024. Even on 25.04.2024, he had gone to doctor and as per the prescription slip, he had complained of pain in his chest due to some injury and had been advised medicine for the same. As per the post-mortem report, defused swelling was found on right side of his chest area and on dissection underneath, multiple fractures were found on the right side ribs. The observations as made in the post mortem report, *prima facie* corroborate the version of the complainant. The allegations against the petitioner are serious in nature. The victim who was a 30 years' old man had died under unnatural circumstances, which are suggestive of homicidal death. Taking into consideration the nature of the allegations, the part attributed to him, the quantum of sentence which the conviction may entail and the attendant facts



and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

30th April, 2025

Parveen Sharma

1. *Whether speaking/ reasoned* : *Yes / No*

2. *Whether reportable* : *Yes / No*