

2025:PHHC:079261



S. No.258

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

CRM-M-30899 of 2025

Date of Decision:04.07.2025

Joginder

.....Petitioner

Vs.

Sate of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present:- Mr. Krishan Singh, Advocate for the petitioner.
Mr. Vijesh Sharma, Addl. AG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.484 dated 24.12.2022, under Sections 148, 149, 302, 323 & 34 of IPC and Sections 25, 54, 59 of Arms Act, registered at Police Station Sector-14, Panchkula, District Panchkula, Haryana.
2. Succinctly the facts of the case are that the present case was registered on the statement, namely, Divyanshu. It was alleged that on 24.12.2022 at about 5:00/5:30 PM, he along with Rishab and Mukesh @ Munna (deceased) were going to Chicken Market, Indira Colony, Sector 7, Panchkula and were coming from vegetable market, Budanpur. On the way they met 10/12 boys wherein Santram @ Santu was holding a knife and Mastu was holding a base ball and Raju and Rahul were holding a wooden bat and Golu, Rahul, Deepak and Joginder (present petitioner) etc. were holding bricks and stones. Due to earlier enmity between both the sides, they opened attacked on them. Mukesh @ Munna was caught hold and Santram @ Santu gave 4/5 knife blows on the body of Mukesh @ Munna and Mastu inflicted injuries with base ball bat, Rahul, Raju, Golu and others started pelting brick and stone on him. On receiving the knife injuries Mukesh @ Munna fell down in the street. He was thereafter shifted to Civil Hospital Sector- 6, Panchkula. He died due to the knife blows. The request was made



to take legal action against the culprits. On registration of FIR, investigation commenced and the postmortem of dead body was conducted. The statement of the witnesses were recorded and on completion of the investigation, challan was presented and on framing of charges the trial commenced. The petitioner was arrested on 26.12.2022. He approached the Learned Sessions Judge, Panchkula, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Sessions Judge, Panchkula vide order dated 23.01.2024. Aggrieved by the same, the petitioner is before this Court praying for grant of bail by way of filing of present petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that though the petitioner is named in the FIR, however, during the reading of allegations made in the FIR, it is the case of the prosecution that he was armed with bricks. He submits that the postmortem of the deceased was carried out wherein he suffered 05 injuries and as per the postmortem report, all the injuries have been opined to have been given by a sharp edged weapon. It is submitted that the petitioner had been assigned no overt act and as per the ocular version, the deceased also died due to the knife blows. He submits that the petitioner is behind bars since the date of his arrest and thus, he has completed an incarceration of more than 02 years. He submits that the petitioner has no criminal antecedents. He also submits that co-accused Rohit @ Golu has already been granted regular bail by this Court vide order dated 03.05.2025 passed by this Court in CRM-M-55108 of 2024. He thus, submits that in the facts and circumstances of the case, petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner and submits that the petitioner is specifically named in the FIR, who was a part of the unlawful assembly. He submits that the complainant and the deceased were waylaid in a pre-planned manner. He submits that the petitioner had also given brick blows upon the deceased. He submits that the petitioner having played an active role, does not deserves the concession of bail.



He, on instructions, has submitted that out of total 23 prosecution witnesses only 09 witnesses have been examined.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the occurrence in the present case had took place on 24.12.2022. The petitioner has been alleged to have given brick blows. The postmortem report reveals that the deceased had suffered 05 injuries that were opined to have been given by a sharp edged weapon. The petitioner has suffered incarceration of more than 02 years and he has no other criminal antecedents. Moreover, co-accused Rohit @ Golu has also been granted regular bail vide order dated 03.05.2025 passed by this Court in CRM-M-55108 of 2024.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case and particularly on the basis of parity, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his 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.

July 04, 2025

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(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No