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

1. **CRM-M-53317-2024**
Sujal YaddavPetitioner
versus
State of Punjab Respondent
2. **CRM-M-54499-2024**
Aayush Yadav @ RaoPetitioner
versus
State of PunjabRespondent
3. **CRM-M-56491-2024**
Sumit DagarPetitioner
versus
State of PunjabResponent

Date of decision : 27.02.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vinod Ghai, Senior Advocate with
Mr. Arnav Ghai, Advocate
Ms. Kashish Sahni, Advocate and
Mr. Priyanshu Kamra, Advocate
for the petitioner (in CRM-M-53317-2024).

Mr. Chirag Kundu, Advocate
for the petitioner (in CRM-M-56491-2024).

Mr. Manoj Tanwar, Advocate
for the petitioner (in CRM-M-54499-2024).

Mr. J.S. Arora, DAG, Punjab.



RAJESH BHARDWAJ, J. (Oral)

1. This order will dispose of abovesaid three petitions as they have arisen out of the same FIR.

2. Prayer in the present petitions is for grant of regular bail to the petitioners in case FIR No.218 dated 30.09.2023, under Sections 323, 307, 341, 506, 148, 149, 325, 201 of IPC (Section 302 IPC added later on), registered at Police Station Sadar Kharar, District SAS Nagar, Punjab.

3. Succinctly facts of the case are that FIR in the present case was lodged on the statement of Utkar Shukla. It was alleged that he was a student of MBA Second Year at Chandigarh University, Gharuan. In the intervening night of 21/22.09.2023, he received a call at about 02:20 AM from Rudar Singh that he has suffered head injury and he should help him. He reached at the gate of GBP, Crest, Bhagumazra and found that Rudar Singh, Rohan Rajesh Mishra, Suman Sourav (deceased) were already standing there. Sourav Suman was in injured condition. Then three unknown persons came from little distance behind them. Later on, they started pushing him. Those unknown persons along with other 10-15 unknown persons were armed with rods and kirpans. They collectively opened an attack on Rudra Singh, Rohan Rajesh Mishra, Suman Sourav with kirpans and rods. In order to save his life, he escaped from there. It was alleged that Rudar Singh, Rohan Rajesh Mishra, Suman Sourav had lot of conflict earlier with the three unknown persons and hence, they were attacked by the assailants. Request was made to take legal action against the culprits. On registration of the FIR, investigation commenced. Injured-Suman Sourav was medically examined. During investigation, the complicity of the petitioners was found in the case and they were arrayed



as an accused and were arrested on different dates i.e. Sujal Yadav and Sumit Dagar were arrested on 16.05.2024 and Aayush Yadav @ Rao was arrested on 20.06.2024. They approached the Court of learned Additional Sessions Judge, SAS Nagar praying for grant of bail. However, after hearing counsel for the parties, learned Additional Sessions Judge, declined the same vide his order dated 11.10.2024. Hence, being aggrieved, petitioners are before this Court by way of filing the present petitions.

4. Learned Senior counsel for the petitioners has vehemently contended that petitioners have been falsely implicated in this case. He submits that the occurrence in the present cases has taken place in the intervening night of 21/22.09.2023 whereas, the FIR has been registered on 30.09.2023 i.e. after an unexplained delay of about 08 days. Thereafter, statements of 02 witnesses, namely, Rudra Singh and Rohan Rajesh Mishra were recorded on 03.10.2023 but it is on the disclosure statement of Arpan recorded on 07.10.2023, petitioner, Aayush Yadav @ Rao was arrayed as an accused and on the arrest of petitioner Sumit Dagar on 16.05.2024, petitioner Sujal Yadav was also named and he was also arrested on the same date. He submits that the deceased Suman Sourav was remained admitted in the GMCH, Sector-32, Chandigarh. He submits that as per the case of the prosecution, he was thereafter taken to Bihar where as per the information received from his relatives, he died on 29.12.2023. It is submitted by learned Senior counsel that from the bare perusal of the case of the prosecution, the deceased survived for about three months and he allegedly died on 29.12.2023. Surprisingly, no



statement of the deceased was recorded by the prosecution and thus, there is no dying declaration in the present case. He submits that the offence under Section 302 IPC has been added on 01.07.2024. It is submitted that as per the MLR, case was recorded as road side accident where the deceased was smelling of alcohol but neither any FIR was registered nor any postmortem of the deceased was conducted in this case. To buttress his arguments, he has proceeded with his arguments that material witnesses namely, Rudra Singh, Rohan Rajesh Mishra and Utkar Shukla were examined by the trial Court and all these witnesses have not supported the case of the prosecution and were declared hostile. It is submitted that in the facts and circumstances of the case, petitioners deserve to be granted bail as they have no criminal antecedents.

5. Learned State counsel has drawn the attention of this Court to the status report filed. He has submitted that during investigation, complicity of the petitioners have been found as they had caused injuries to the deceased. However, he does not dispute that neither the statement of deceased was recorded nor any postmortem was conducted. He submits that out of 21 prosecution witnesses, 03 witnesses have been examined as on date. He has produced the custody certificate of the petitioners.

6. After hearing counsel for the parties and perusing the record, it is apparent that the occurrence in the present cases took place in the intervening night of 21/22.09.2023. However, the FIR has been registered on 30.09.2023 for the offence under Section 307 IPC. As per case of the prosecution, the death has taken place on 29.12.2023. Admittedly, there is no postmortem. The material witnesses already stands examined and they



have not supported the case of the prosecution.

7. 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, this Court is of the opinion that learned Senior counsel for the petitioners succeed in making out a case for grant of regular bail. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their 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.

8. Photocopy of this order be placed on the files of connected cases.

27.02.2025
m.sharma

(**RAJESH BHARDWAJ**)
JUDGE

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