



CRM-M-10727-2025

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237

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

CRM-M-10727-2025

Date of decision : 04.09.2025

Aniket**....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Anuj Arya, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana and
Ms. Diya Sodhi, Sr. D.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.565 dated 28.10.2023, under Sections 307/302/506 read with Section 34 of IPC and Section 25 of Arms Act, registered at Police Station City, District Sonipat.
2. Succinctly the facts of the case are that the present case was registered on the statement of complainant(deceased), namely, Sanjay. It was alleged that he was sleeping in his house and at about 12:30 am, his neighbours Keshav, Aniket (petitioner) and Vicky called him in order to take revenge of earlier enmity. Aniket gave him a kick blow whereas Vicky gave him sword blow on his head, ear, stomach, mouth and other parts of body. Keshav was also armed with a danda and he gave him blow with the same. On raising alarm, all the 03 assailants escaped from the place of occurrence. His family members shifted him to the General Hospital, Sonipat from where he was referred to PGIMS, Rohtak. It was further alleged that the application was dictated by him whereas written by his son, namely, Rahul. Thus, the request was made to take the legal



action against the culprits. The complainant later on died on 06.11.2023 and thus, offence under Section 302 IPC was added. On registration of FIR, investigation commenced and the petitioner was arrested on 10.11.2023. The postmortem of the dead body was conducted. Thereafter, the petitioner approached the Learned Additional Sessions Judge, Sonipat, praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court vide order dated 18.11.2024. Aggrieved by the same, petitioner is before this Court praying for grant of bail by way of filing of present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the FIR was lodged by the deceased himself who was shifted to the Hospital. He submits that the opinion of the doctors was taken by the Investigating Officer on 28.10.2023 itself for recording his statement and as per the opinion given by the doctors, the complainant was found to be conscious and oriented and was in fit state of mind. He submits that the FIR was registered on his statement itself. He submits that the deceased was later on discharged and he came back home. However, thereafter the complications occurred and he was re-admitted in the Hospital, where he died during surgeries on 06.11.2023. He submits that it is apparent from the record that the deceased did not die because of the injuries as he was discharged on the date of occurrence after his admission and it is, later on due to the other complications, he died. He submit that the role attributed to the petitioner in the FIR, which is recorded on the statement of the deceased, was only to the effect that he gave a kick blow to the deceased. He submits that though the petitioner was implicated in one more FIR i.e. FIR No.26/2017 under Section 294 of IPC, however, he had been



acquitted in the same. He, thus, submits that from the overall facts and circumstances the petitioner, who is behind bars from last more than 1 ½ years, deserves to be granted bail.

4. Compliance report dated 13.08.2025 by way of an affidavit of Sudhir Rajpal, Additional Chief Secretary to Government of Haryana, Health Department, Chandigarh has already been filed on behalf of the respondent-State, same is taken on record.

5. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner and submits that the FIR in the present case is nothing but a dying declaration as the same was recorded on the statement of deceased himself. She submits that the petitioner was specifically named by the deceased, who had duly participated in the occurrence. She submits that though the deceased after his first admission was discharged from the hospital but later on some complications occurred and thereafter, he succumbed to the injuries. She, on receiving the histo-pathology report, submits that the Board of Doctors has opined that the cause of death is due to the injuries and complications occurred. She, on instructions, has submitted that out of total 19 prosecution witnesses, none has been examined as on date. She has produced on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the FIR was registered on the statement of the deceased. The petitioner was alleged to have given a kick blow to the deceased. The postmortem conducted would show that the deceased suffered 09 injuries which are attributed to the co-accused. The cause of death is due to the injuries and the complications occurred. The custody certificate produced would show that he has suffered an incarceration of



01 year, 09 months and 23 days as on 03.09.2025. It further reflects that the petitioner is involved in one more case, however, he has been acquitted in the same. As submitted before this Court, out of total 19 prosecution witnesses, none has been examined so far.

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, 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.

04.09.2025

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(**RAJESH BHARDWAJ**)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No