

2025:PHHC:055558



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

1. **CRM M-55711 of 2024**
Date of Decision:28.04.2025

Vicky Yadav ...Petitioner
Versus
State of Haryana ... Respondent

2. **CRM M-56384 of 2024**

Sagar ... Petitioner
Versus
State of Haryana ... Respondent

3. **CRM M-60633 of 2024**

Lalit Yadav ... Petitioner
Versus
State of Haryana ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Harshit Joon, Advocate
for the petitioner in CRM M-55711 of 2024.

Mr. Vinod Ghai, Sr. Advocate, with
Mr. Pranav Ghai, Advocate
Mr. Dhruv Trehan, Advocate for the petitioner(s)
in CRM M-56384 of 2024 and
CRM M-60633 of 2024.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Parmender Singh, Advocate and
Mr. Ritesh Tomar, Advocate, for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. This order shall dispose off above mentioned three petitions, i.e., **CRM M-55711 of 2024** titled as “**Vicky Yadav Vs. State of Haryana**”, **CRM M-56384 of 2024** titled as “**Sagar Vs. State of Haryana**” and **CRM M-60633 of 2024** titled as “**Lalit Yadav Vs. State of Haryana**”, whereby, the petitioners have prayed for grant of concession of regular bail to them in case FIR No. 412 dated 16.06.2024 registered under Sections 302 and 34 IPC (Section 302 IPC substituted with Section 304 IPC later on) at Police Station Gurugram Sadar, Gurugram.

2. The FIR was initially registered on the basis of the statement made by Mukesh son of Sant Ram and the same has been reproduced below:-

“To, The SHO, Police Station Sadar, Gurugram, Respected Sir, It is requested that I, Mukesh son of late Sh. Sant Ram am the resident of S-98, Mangolpuri, New Delhi, Police Station Raj Park area. I am 39 years old. We are three brothers, and my younger brother, Dinu alias Deen Dayal, aged 37 years, worked as a driver for taxi bus number HR63D6233. On 15.06.2024, at around 6:00 p.m., my mother received a phone call from Dinu's employer, who informed her that Dinu's bus had been sideswiped by a car. My mother then called Dinu alias Deen Dayal to know the status of his health. However, someone else answered the phone, identified himself as a

police officer, and informed her that four to five individuals were beating her son in a crowded area. The caller stated that I was passing by and saw the incident, after which I had saved while intervening to rescue your son from the attackers and I immediately then took your son to Shiva Hospital with the help of an ambulance, while the assailants fled from the spot in their car. Due to the injuries inflicted by those 4-5 individuals, my brother Dinu alias Deen Dayal passed away during treatment. Those 4-5 individuals intentionally murdered my brother, Dinu alias Deen Dayal. I humbly request your good self to check the CCTV footage from the surrounding area, identify, and apprehend the individuals responsible for my brother's murder, and punishment be given to them as per law and justice be done to us. Your assistance in this matter would be greatly appreciated. Applicant, Mukesh 9818893421 Date: 16.06.2024”.

3. Learned counsel for the petitioners submit that the petitioners were not initially named in the FIR and have been unnecessarily dragged in the present case, without any evidence against them. In fact, certain inferences have been drawn by the police, on the basis of the alleged CCTV footage, which were recovered during the process of investigation and even the analysis of CCTV reports would clearly exonerate the present petitioners. Learned counsel further submit that even as per the admitted stand of the prosecution, all the alleged assailants were empty handed and had no prior enmity with the deceased. Even, it has been alleged that the

accused in the present case had caused injuries with fists and kicks and except one injury, all other injuries were simple in nature. Further, as per the prosecution, after suffering the injuries, Dinu, since deceased, had fallen down and had suffered head injury. Thus, the injury, which led to death of Dinu was not caused by any of the petitioners. Learned counsel further submit that even the offences under Sections 302/304 IPC have been wrongly added in the present case as the petitioners had no intention to cause the death of Dinu and as per the case of the prosecution itself, the petitioners had allegedly caused simple injuries to Dinu. Still further, even no sincere efforts were made by the police to join the independent eye witnesses in the present case and the prosecution had failed to bring the best possible evidence on record. Further, even neither there was any intention nor there was preparation to cause death of Dinu and in the absence of *mens rea*, the charge under Section 302/304 IPC may not be sustained. Learned counsel further submit that in the present case, the investigation has already been completed and even during the course of investigation, the identity of the petitioners could not be established in any manner. Further, Daryav Rajak, has been examined as PW1 in the present case and he has not supported the case of the prosecution. Still further, the petitioners are in custody for the last more than 10 months and the trial is not likely to conclude in the near future.

5. On the other hand, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioners on the ground that during the course of investigation, it had transpired that the petitioners, in a fit of rage had given beatings to a bus driver and had dragged him out of the bus and caused injuries on his person, which proved fatal. Even, the occurrence had been captured in the CCTV footage and all the petitioners had actively participated in the commission of the crime and the evidence collected during the course of investigation unerringly points towards the complicity of the petitioners in the commission of the crime.

6. I have heard learned counsel for the parties and perused the record.

7. In the present case, it is apparent that the complainant had lodged the FIR on the basis of the information received by him from some other person and he did not name the petitioners as accused in the FIR. Further, it has also been admitted by the prosecution that all the petitioners were empty handed and had caused injuries with fists and kicks. Whether the petitioners had the intention to cause the death of Dinu, is a subject matter of adjudication before the trial Court and the prosecution is yet to lead evidence to prove the involvement of the petitioners in the crime conclusively.

8. At this stage, without commenting any further on the merits, the present petitions are allowed and the petitioners are

ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned subject to the following conditions:-

(i) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioners shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioners shall not absent themselves from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioners shall surrender their passports, if any, (if already not surrendered), and in case they are not holder of the same, they shall swear an affidavit to that effect.

(v) The petitioners shall also file their affidavit before the concerned Court, mentioning their ordinary place of residence and number of mobile phone, which shall be used by them during the pendency of the trial. In case of change of place of residence/mobile number, they shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioners get involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioners.

(vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioners.

(viii) The petitioners shall report every 1st Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha. In case, they do not report on every 1st before the concerned SHO, it shall be viewed seriously and the concession granted to them shall be liable to be cancelled and the State of Haryana shall be at liberty to move an appropriate application in this regard.

9. The above observations have been made only for the limited purpose of disposal of the present bail applications and shall not be construed as an expression of opinion on the merits of the case.

28.04.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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