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

**CRM-M No.17280 of 2025
Date of decision : 10.09.2025**

Rakesh Kumar Chaudhary

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Akshat Dalal, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.597, dated 26.10.2021, under Sections 302, 34 of IPC, registered at Police Station Model Town, District Rewari.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Mukesh Sahni. It was alleged that the younger brother of complainant, namely, Ujala Kumar @ Santosh (deceased) was living in Rewari for about 15 years. It was alleged that Ujala Kumar @ Santosh was a rickshaw puller and was a drug addict. It was alleged that the complainant received an information on mobile number 8529855322 that his brother, namely, Ujala Kumar @

Santosh went to the house of Rakesh (petitioner) and Jeetu Kumar in an intoxicated state. Both of them, namely, Rakesh (petitioner) and Jeetu Kumar gave beating to the brother of complainant on the allegations that he committed theft in their house. The police was called and brother of the complainant was admitted in Government Hospital, Rewari in an injured condition, however during the treatment, he died. It was alleged that brother of the complainant was caused injuries by Rakesh and Jeetu on account of which, he died. Thus, the request was made to take legal action against the accused. On registration of the FIR, the investigation commenced. During the investigation, the petitioner was arrested on 28.10.2023. The petitioner approached the Court of learned Sessions Judge, Rewari praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Sessions Judge, Rewari declined the bail application filed by the petitioner vide order dated 30.10.2024. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner had no relation whatsoever with the deceased. He has submitted that as per the allegations made by the complainant in the FIR, the deceased was a drug addict. He has submitted that postmortem of the deceased was conducted and as per the opinion of the Doctor, the cause of death is Cardiac Tamponade consequent to right atrium rupture. He has submitted that the same would show that the death of deceased during the treatment was not on account of the alleged



injuries, however it was a natural death. He has submitted that the petitioner is behind bars since the date of his arrest, i.e. 28.10.2023 and he has no criminal antecedents. To buttress his arguments, learned counsel for the petitioner has submitted that as per the facts and circumstances, there is no allegation against the petitioner that he was armed with any weapon or caused any injury and thus, the offence under Section 302 IPC is not made out against the petitioner. He has submitted that the challan is presented and the charges were framed on 25.04.2024, however till date, not even a single witness has been examined by the prosecution and thus, the incarceration of the petitioner is intentionally being prolonged. He has submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State however has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the deceased, petitioner and the co-accused were drinking together and both the accused, i.e. the petitioner and co-accused had given severe beatings to the deceased, which was seen by the neighbors. He has submitted that the case of prosecution is supported by an eye-witness account. He has submitted that presence of the petitioner at the time of occurrence and causing injuries to the deceased, is duly proved. He has submitted that as per the opinion of the Doctor, the cause of death is cumulative effect of injuries described and their complications precipitated by cardiac rupture. He has submitted that the death has taken place because of the complications suffered due to the injuries. He has submitted that in all there are 03 accused and the



petitioner could only be arrested whereas the arrest of rest of 02 accused are pending. The petitioner remained at large for 02 years and thereafter, he was arrested. He, on instructions, has submitted that out of total 27 prosecution witnesses, no witness has been examined so far. He has produced custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner along with the co-accused has been alleged to have given beatings to the deceased. The deceased as reflected from the record was said to be a drug addict. Certainly, there are arguments and counter arguments regarding the cause of death of the deceased, however, the same is entirely of a matter of trial, which would be decided on weighing the evidences. Out of 27 prosecution witnesses, no witness has been examined. Custody certificate produced would show that the petitioner has completed an incarceration of 01 year, 10 months and 09 days as on 09.09.2025. Custody Certificate further shows that the petitioner is not involved in any other case. As submitted before this Court, the charges have been framed on 25.04.2024.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned



counsel for the petitioner succeed in making out a case for the grant of bail. 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. The learned trial Court concerned is directed to ensure that two local sureties are furnished by the petitioner at the time of submission of bail/surety bonds.

10.09.2025

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Whether speaking/reasoned

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Yes/No

Whether reportable

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Yes/No

(RAJESH BHARDWAJ)
JUDGE