



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

CRM-M-65813-2025

Tekan

...Petitioner

Versus

State of Haryana

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	23.03.2026
2	The date when the judgment is pronounced	25.03.2026
3	The date when the judgment is uploaded on the website	25.03.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Lupil Gupta, Advocate for the petitioner.

Ms. Himani Arora, Deputy Advocate General, Haryana.

MANISHA BATRA, J :-

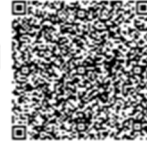
The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 252 dated 14.08.2022 registered under Sections 147, 149, 323, 341 and 506 of IPC (Sections 307 and 302 of IPC added later on) at Police Station Nathu Sarai Chopta, District Sirsa.

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2. The aforementioned FIR was registered on the basis of the statement recorded by complainant-Roshni Devi, alleging therein that on the evening of 13.08.2022, they were constructing a bathroom in their house when accused Nathuram, who was having a common wall with them, reached there along with the present petitioner and co-accused and started hurling abuses and proclaimed that he would not let the complainant raise construction and got the construction stopped. The matter was pacified with the intervention of one Rajinder. However, on the same evening, when the complainant along with her son Rajesh Kumar, was going towards the house of her mother-in-law, she was intercepted by the petitioner and co-accused Nathu, Sethi, Bintu, Amardeep, Sunil and some other persons unknown to her, who were armed with rods and *dandas* and who opened an assault upon the complainant and her son. Accused Bintu struck a blow with a rod on the head of her son Rajesh Kumar and all others caused injuries to him with *dandas*. When she rushed for rescue her son, she too was assaulted. On calmour being raised, several persons reached there, upon which the assailants fled away. The complainant rushed to the hospital for treatment of her son, who was in critical condition. Initially, a case under Sections 147, 149, 323, 341 and 506 IPC was registered. Investigation proceedings were initiated. The injuries sustained by the victim-Rajesh were opined to be dangerous to life, and offence under Section 307 IPC was added. The victim succumbed to the injuries on 19.08.2022, and offence under Section 302 IPC was added. Post-mortem examination of the dead body of the victim was conducted.

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3. After registration of FIR, investigation proceedings were initiated. Accused Bintu, Jitender @ Sunil and Deepak were arrested on 20.08.2022. The present petitioner and some other accused were arrested on 19.10.2022. The petitioner got recovered one wooden stick and one car used at the time of occurrence. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the allegations that he, along with the co-accused, had given beatings to the victim with a *danda*. The cause of death of the victim is opined to be cardiac arrest. As per the post-mortem examination report, he was suffering from thrombocytopenia and was having infection of sepsis and pneumonitis. The injury on the head of the victim has not been attributed to the petitioner. A false recovery has been planted upon him. He is in custody since 19.10.2022. There are no chances of conclusion of trial in the near future as only 12 out of 38 prosecution witnesses have been examined. The fatal blow had allegedly been given to the victim by accused Bintu and not the petitioner. No useful purpose would be served by detaining him in custody any longer. It is, therefore, argued that the petition deserves to be allowed.

5. Learned State counsel, while relying upon the status report, has vehemently argued that the allegations against the petitioner are serious in nature as being a member of an unlawful assembly, he actively participated in the occurrence and caused injuries with a *danda* on the person of the victim. Due to the impact of the injuries so sustained, which were opined to be

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dangerous in nature, the victim developed thrombocytopenia, which is a condition wherein it becomes difficult to stop bleeding. The death of the victim occurred due to the impact of the injuries so sustained, and it cannot be stated to be a case of natural death or death due to cardiac arrest, as claimed by the petitioner. The trial is proceeding at a proper pace. With these submissions, it is urged that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner is alleged to have been a member of an unlawful assembly along with the co-accused and, in prosecution of common object thereof to have caused injuries with a *danda* on the person of the victim. The victim sustained a head injury and died due to the impact thereof. He also developed thrombocytopenia in the meantime. However, it cannot be stated that the injuries so sustained were not the cause of his death. The allegations *prima facie* reveal the presence of the petitioner at the spot with a *danda* and his participation in the occurrence by causing injuries to the victim along with the co-accused. He has been linked to the acts attributed with the aid of Section 149 IPC, which has the following ingredients;

1. There must be an unlawful assembly;
2. Commission of an offence may be by any member of the unlawful assembly; and
3. Such offence must have been committed in prosecution of the common object of the assembly,

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or must be such as the members of the assembly knew to be likely to be committed.

8. On going through the allegations levelled against the petitioner, his prima facie involvement in the occurrence, while having knowledge that such like offences were likely to be committed in prosecution of the common object is established. The allegations against the petitioner are serious in nature as he along with co-accused stands accused of a heinous crime punishable with capital punishment or life imprisonment. While length of incarceration is a factor that weighs with the Court in considering bail, it cannot overshadow the seriousness of the accusation of murder under Section 302 IPC. The material witnesses are yet to be examined. Reference in this context can be had to the observations made in *Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC)*, *Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242* and *State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)*. It is well-settled proposition of law that grant of bail is a discretionary relief to be granted or denied based on specific facts and circumstance of each case and there cannot be any exhaustive parameters set out for considering the application for grant of bail. The factors such as nature of accusations, severity of punishment if the accusations entail a conviction and nature of evidence in support of accusations are to be seen. That apart, reasonable apprehension of tampering with evidence or threatening the material witnesses is also to be weighed.

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Frivolity of prosecution should always be considered, and it is only the element of genuineness that has to be considered in the matter of grant of bail.

9. In light of the foregoing legal principles and other circumstances as discussed above, this Court finds no compelling ground to allow this petition. Accordingly, the petition is dismissed.

10. It is clarified that any observation made in this order is only for deciding this petition and shall not influence the outcome of the trial and also not be taken as an expression of opinion on merits.

11. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

25th March, 2026

Parveen Sharma

1. *Whether speaking/ reasoned* : *Yes / No*
2. *Whether reportable* : *Yes / No*