



CRM-M-43289-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
216 CRM-M-43289-2024
Date of decision: 17th December, 2024

Sunil Malhotra

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Namit Gautam, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

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. 127 dated 05.06.2024 registered under Sections 323 and 326-A of IPC (Section 201 of IPC added later on) at Police Station Sector 14, Panchkula.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the basis of statement recorded by the complainant Ajay Kumar on 05.06.2024 alleging therein that on the same day at about 5:30 PM, on receipt of an information to the effect that the present petitioner was having an altercation with his father, he rushed to the spot and as soon as he reached there, the petitioner threw some liquid from a bottle which he was carrying, on the face of complainant who started having burning sensation. He was immediately rushed to a doctor and it was revealed that he had sustained acid burn injuries. He was taken to Civil Hospital and was provided



treatment. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 12.06.2024. An application for grant of bail moved by him, was dismissed by learned Sessions Judge, Panchkula vide order dated 12.08.2024.

3. It is argued by learned counsel for the petitioner that he has falsely been implicated in this case. He is suffering from psychiatric problem and is under treatment from the last 10-15 years. He has no criminal antecedents. The complainant has sustained only simple injuries. The ingredients for commission of offence under Section 326-A of IPC have not been attracted. Investigation stands completed. Trial is likely to take time. His further detention would not serve any useful purpose. Therefore, it is urged that he deserves to be released on bail.

4. Status report has been filed by respondent-AAG, Haryana. It is submitted therein and it is argued by learned AAG, Haryana that there are serious and specific allegations against the petitioner who threw acid on the face of the complainant. There are chances of his intimidating the witnesses or committing other offences, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have thrown acid on the face of the complainant as on 05.06.2024. Copy of medico legal report of the complainant and opinion of doctor, have been placed on record, as per



which, the burn injuries suffered by the complainant were simple in nature and neither any eye or facial injury had been sustained nor any deformity or deep burns were found on the person of the complainant. It is not a case of causing grievous hurt. Therefore, it is a question of debate as to whether the ingredients for commission of offence under Section 326-A of IPC are attracted or not and such question would be decided on the basis of evidence to be produced during trial. The petitioner has placed on record Annexure P-8, a certificate issued by the doctor of the complainant, as per which the petitioner is suffering from schizophrenia from the last ten years. Though, no consideration can be given to this report at this stage, however, keeping in view the nature of the injuries as sustained by the complainant, the period of incarceration of the petitioner, coupled with the fact that the trial is likely to take time and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

17th December, 2024

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No