



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

305

CRM-M-52542-2024
Date of decision: 4th December, 2024

Shubham @ Rohit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Pankaj Garg, Advocate for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G., 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. 30 dated 04.02.2024 registered under Sections 148, 149, 323, 324, 324 and 506 read with Section 34 of IPC, 1860 at Police Station Chhappar, District Yamuna Nagar.

2. The petitioner along with the co-accused is facing trial in abovementioned FIR on the allegations that on 29.01.2024, he along with the co-accused had assaulted the complainant Vijay and had caused injuries to him. The victim had sustained as many as thirteen injuries one of which was opined to be grievous. Offences under Sections 326 and 34 of IPC were



added subsequently.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since 29.04.2024. Investigation has since been completed. Trial is likely to take time. The grievous injury allegedly sustained by the victim has not been attributed to him. His custodial interrogation is no more required. He does not have criminal antecedents. The co-accused Sahil whose case was on similar footing has since been extended benefit of bail. On parity, he too deserves to be released on bail. As such, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel in terms of the status report has vehemently argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be released on bail.

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 along with the co-accused is alleged to have caused injuries to the victim. One of the injuries which was on the head of the victim had been declared to be grievous in nature. This injury has not been attributed to the petitioner. The subject offences are triable by Magistrate. Trial is likely to take time. No useful purpose would be served by keeping the petitioner in custody anymore. It is well settled proposition of law that bail is the rule and jail is an exception. On the ground of parity, the petitioner too deserves to be extended benefit of bail. In view of the



discussion as made above, the petition 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. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

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

[MANISHA BATRA]
JUDGE

4th December, 2024
Parveen Sharma

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |