



CRM-M-55067-2024

-1-

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

231

CRM-M-55067-2024
Date of decision: 4th December, 2024

Aazad Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Lalit Kumar Narang, Advocate for the petitioner.

Mr. Arjun Lakhanpal, Addl. A.G., Haryana.

Mr. Kushager Goyal, Advocate for the complainant.

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. 174 dated 03.09.2024 registered under Sections 110, 15, 118(1), 190, 191(3), 351(3) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Lakhn Majra, District Rohtak.

2. Briefly stated, the aforementioned FIR was registered on the basis of complaint lodged by the complainant Narinder Singh alleging therein that on the evening of 02.09.2024, a verbal altercation had taken place between his cousin brother-Tarsem and co-accused Sachin at the Ghat of river of their village. Sachin had thrown a brick thereby injuring Tarsem and then fled away. On receipt of information about this fact, the father of

**CRM-M-55067-2024****-2-**

complainant along with one Narinder had gone to the house of accused Sachin to make him understand but both of them were assaulted by the co-accused Sandeep @ Bholu and Azad i.e. the present petitioner. Other members of the family of the complainant had rushed for their rescue but they too sustained injuries at the hands of the accused. The injured were taken to the hospital and were treated. The accused had extended threats to the family members of the complainant. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 14.10.2024. Challan has since been presented.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. It is a case of version and cross-version as a cross FIR No. 180 has been registered against the members of the complainant party with regard to the same incident. The members of the party of the petitioner had also sustained injuries in the same incident. No specific injury has been attributed to the petitioner. He is in custody since long. A compromise has been arrived at between the parties and the injured Sham Lal, Amarjeet, Tarsem and other members of the complainant party/injured have sworn affidavits in favour of the petitioner and the co-accused. His further detention would not serve any useful purpose. Trial is likely to take time. With these broad submissions, it is urged that the petitioner deserves to be released on bail.

4. Status report has been filed by respondent-State. It is admitted that a cross case has been registered against the members of the complainant party. It is urged that keeping in view the gravity of the allegations and the

**CRM-M-55067-2024****-3-**

nature of the injuries sustained by the complainant and other victims, the petition does not deserve to be allowed.

5. Learned counsel for the complainant has not raised any serious objection to the allowing of the petition and has also affirmed the fact that the complainant and other members of his party have sworn affidavits in favour of the petitioner and a compromise has been arrived at between them.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, he is alleged to have caused injuries to the complainant and his family members. He is in custody since 14.10.2024. Challan has been presented. Trial is likely to take time. It is a case of version and cross-version as a cross case has been registered against the members of the complainant party. Though, no consideration can be given to the affidavits which are claimed to have been sworn by the complainant and injured in favour of the petitioner, at this stage, as the authenticity thereof has to be considered at the relevant time by the learned trial Court but keeping in view the fact that the complainant's counsel has also affirmed that these affidavits have been sworn by members of the complainant party, coupled with the period of incarceration of the petitioner and the fact that the well settled proposition of law is that bail is the rule and jail is an exception, I am of the considered opinion that the petitioner deserves to be released on bail. Accordingly, 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.

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

9. 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