



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CRM-M No.57677 of 2024
Date of Decision: 25.11.2024

Sachin ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
223	01.09.2024	Nathu Sarai Chopta, District Sirsa	115 (2), 118 (1), 190, 191 (3), 333, 351 (2), 117 (2) and 118 (2) of Bharatiya Nyaya Sanhita, 2023 (For short “BNS”)

2. As per the prosecution case, on 31.08.2024, an information was received regarding admission of Amrit Pal and Pardeep Bhushan both residents of Chaharwala in Community Health Centre Nathusari due to injuries sustained by them in some feud and about referring them to

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some higher medical centre. On 01.09.2024, the injured Amrit Pal was reported to be admitted in Orthoheal Hospital, Sirsa. He recorded a statement that on the previous day, he along with his friend Pardeep Bhushan was present in the house of one Shankar when the present petitioner along with co-accused Sushil, Rajbir, Ajay and 2-3 unknown persons entered therein and opened an assault upon his friend and himself. The present petitioner struck blow with iron rod on his right arm whereas the co-accused Ajay inflicted an injury with an iron pipe on his right hand thereby causing grievous injuries on his right hand. Accused Sushil also struck a blow with kappa on his right hand and all of them had assaulted him. His friend Pardeep Bhushan had rushed for his rescue but he too sustained injuries at the hands of the assailants. On the basis of his statement, initially a case under Sections 115 (2), 118 (1), 190, 191 (3), 333 and 351 (2) of BNS was registered. Investigation proceedings were initiated. Subsequently, offences under Sections 117 (2) and 118 (2) of BNS were added on the basis of medical opinions/reports. The petitioner had been arrested on 10.09.2024. Investigation qua him has since been completed. He moved an application for grant of regular bail which was dismissed by the Court of learned Sessions Judge, Sirsa vide order dated 30.10.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 10.09.2024. The co-accused Sushil and Rajbir have since been extended benefit of regular bail by the Court of Sessions. The injuries which had been declared to be grievous in nature, have not been attributed to him. The injuries were

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sustained on non vital part of the complainant. His further incarceration would not serve any useful purpose. He is ready to abide by the terms and conditions for grant of bail. On the ground of parity also, he deserves to be extended benefit of bail. Therefore, it is urged that the petition deserves to be allowed.

4. Per contra, learned Assistant Advocate General, Haryana who has advance notice of the petition and is ready to argue the matter, has submitted that there are serious allegations against the petitioner. One of the grievous injury sustained by the complainant had been attributed to the present petitioner with an iron rod. There are chances of his absconding or intimidating the witnesses if extended benefit of bail. Therefore, it is urged that 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.

6. 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 friend Pardeep Bhushan. He is in custody since 10.09.2024. His custodial interrogation is no more required. The subject offences are triable by Magistrate. Co-accused Sushil and Rajbir have since been extended benefit of bail. It is well settled proposition of law that the bail is the rule and jail is an exception. Keeping in view the discussion as made above but without meaning to make any comment on the merits of the case, the petition is allowed and the petitioner is ordered to be admitted to

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bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

25.11.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No