

2025:PHHC:009400



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

237

CRM M-2502 of 2025

Date of Decision: 22.01.2025

Vijay Kumar

...Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. R.S. Mamli, Advocate, for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of the BNSS with a prayer to grant a regular bail in case FIR No.144 dated 22.07.2024 registered under Sections 115 and 351(2) of BNS, 2023 (later on added offence under Sections 110 and 3(6) of BNS, 2023) at Police Station Pehowa, District Kurukshetra.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. In fact, the complainant party in the present case was the real aggressor and had caused injuries to the side of the accused. Sukhwinder Singh and Suraj Bhan had attacked the petitioner at his house at about 08/09.00 p.m. on 16 July 2024 and had inflicted blows with lathies and axes on the person of Mahinder Singh. He, thus, contends that the question of

aggressor is yet to be determined by the trial Court only during the course of the trial. Learned counsel further contends that even, various applications were moved by the side of the petitioner to the police for taking action against the complainant side but no action has been taken so far. The petitioner was arrested in the present case on 29.07.2024 and is in custody for the last about 06 months. He further contends that the challan has already been presented against the petitioner and no witness has been examined so far. Thus, the prosecution has unreasonably delayed the trial so as to ensure the longer incarceration of the petitioner.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail. However, she admits that no witness has been examined so far and the petitioner was not involved in any other case. She further admits that co-accused Mahinder Singh has already been granted the concession of bail by the Court of Additional Sessions Judge, Kurukshetra on 13.12.2024 (Annexure P-2).

4. I have heard learned counsel for the parties and perused the record.

5. In the present case, it is an admitted fact that the injuries caused by the petitioner have been declared to be simple in nature and

the injured have been discharged long ago. Even, Mahinder Singh, on the side of the petitioner had suffered serious injuries on his person. The prosecution has not been able to examine even a single witness and further custody of the petitioner will not serve any meaningful purpose.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

22.01.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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