



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(236) CRM-M NO.9010-2025(O&M)
DATE OF DECISION: 29.04.2025

PardeepPetitioner

VERSUS

State of HaryanaRespondent

CORAM HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

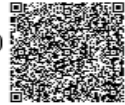
Present Mr.S.K.Verma, Advocate, and
Mr. Jatin Verma, Advocate, for the petitioner.

Mr. Rajat Gautam, Addl. AG, Haryana.

MANJARI NEHRU KAUL, J (ORAL)

1. Petitioner is seeking the concession of bail under Section 483 of BNSS, 2023 in case FIR No.463 dated 25.11.2024, under Sections 115, 126, 190, 191(2), 191(3), 351(2) of the Bharatiya Nyaya Sanhita (BNS), 2023 and later on added Sections 115(2), 126(2), 117(2) and 117(3) of the Bharatiya Nyaya Sanhita (BNS), 2023, registered at Police Station Sadar Jind, District Jind.

2. Learned counsel for the petitioner submits that though the petitioner has been named in the FIR in question, however, he has been attributed a simple "*danda*" blow on the person of Dhoop Singh. It has been contended by the learned counsel that it was the complainant party which initiated the attack. However, a twisted version has been brought in the FIR in question; the occurrence took place in front of the house of the accused party. It has been further submitted that the petitioner has not been attributed any grievous injury on the person of any of the injured and it is also a matter of record that in the occurrence in question, the petitioner side

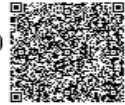


also received injuries, although simple in nature. Learned counsel has still further submitted that in the facts and circumstances as enumerated hereinabove and keeping in view the role attributed to the petitioner, his further incarceration would serve no useful purpose as investigation qua him is completed; the challan having been presented.

3. *Per contra*, learned State counsel, on instructions, while opposing the prayer and submissions made by the counsel opposite, has reiterated the allegations levelled in the FIR which stands reproduced as under:-

“To, Police Post Incharge. PP CRSU JIND.

Sir, I request that I, Rahul s/o Shri Kali Ram, am resident of village Ghimana and do electric work. We are 2 brothers and a sister, the eldest is my brother Jaipal, younger to him I and the elder sister is Pooja. On 24.11.2024, at around 7.00 (8:00) o'clock in the evening, I was going from my house to my grandfather Sewa Singh with food. In the meantime, Ramchander S/o Hawa Singh, who was holding Gandasi in his hand and his sons Samrat and Virat, they too had sticks in their hands, blocked the way in the street and immediately all of them started beating me. During this, my father also came there and my father started trying to rescue me. Then all the above started beating my father also. After some time, Sanjay S/o Jai Bhagwan, Sombir S/o Jai Bhagwan, Shamsher S/o Hawa Singh and his 2 sons Amit and Pramod sons of Shamsher, Gulab S/o Hawa Singh and his 3 sons Naseeb, Gauri, Praveen, Rammeshwar S/o Hawa Singh and his 2 sons Krishan and Tarsem and Pradeep S/o Rajbir and Tejpal S/o Sher Singh came to the spot with Sticks and Gandasi in their hands and started beating us. During this period our family member Dhoop Singh S/o Sewa Singh, Kaliram S/o Sewa Singh, Jaswant S/o Badlu, Johnny S/o Kapura, Ramkumar S/o Sudan came there to rescue them. Then all the above have also caused injuries to them one by one. Then, after rescuing, we all went to the Government



Hospital, Jind for treatment. All the above also threatened to kill us while leaving. Legal action should be taken against all the above who have inflicted injured to us. This quarrel had taken place regarding transaction of a house. Sd/ Rahul. Applicant- Rahul S/o Kaliram, Village Ghimana. Date 25.11.2024 Mobile No. 9588371239 Police Action-On 24.11.2024 at 10.30 PM the ASI was informed by M/C PP CRSU Jind that Rahul son of Kaliram, Johnny son of Kapura, Jaswant son of Badlu, Kaliram son of Hawa Singh, Dhoop Singh son of Sewa Singh Residents of village Ghimana are admitted in GH Jind due to injuries sustained in a fight. Reach for proceeding. On the basis of which information, I along with ASI along with HGH Pawan 3379 reached GH Jind for further action. Where I received medical Rukka and MLR,S from PP GH Jind and wrote a separate application for taking statements and presented it to Dr. Sahab. On the application itself Dr. Sahab reported that the injured are not admitted. Today on 25.11.2024, ASI along with SI Sonu 1120 reached village Ghimana for proceeding, where Rahul son of Kaliram resident Ghimana submitted the above application. As per MLR No. AM/228/GHJIND/2024- total 2 injuries have been reported on the person of Rahul, the injury is pending for opinions, blunt, MLR NO. AM/223/GH JIND/2024 -total 3 injuries on the person of Kaliram, MR NO. AM/224/GH JIND/2024- total 1 injury on the person of Dhoop Singh son of Sewa Singh, MLR NO. AM/225/GH JIND/2024-total 3 injuries on the person of Joni, MLR NO. AM/226/GH JIND/2024- total 1 injury has been reported on the person of Jaswant. All injuries pending for opinion, Blunt injuries have been reported. On founding to be made out offence under Sections 115(2), 126(2), 191(2), 191(3), 190, 351(2) BNS from contents of the application, MLR and medical Rukka, report is being sent to the Police Station through Constable Sonu for registering FIR. After registering FIR, case number should be informed from the page. I, ASI along with the complainant, am busy at the spot of incident. Now, Village Ghimana, SD Wazir Singh, ASI PP CRSU Jind, DT. 25.11.2024 AT 07.30 PM. Today, Police Station, On receipt of the above written complaint at the police station, FIR No. FIR



No. 463 dated 25.11.2024 under sections 115(2)/ 126(2)/ 351(2)/ 191(2), 191(3), 190 BNS was registered at Police Station Sadar Jind and copies of FIR were prepared through computer and will be sent to the higher authorities and area Magistrate by post. Copy along with original complaint is being sent to the police station through coming Constable to the I.O. at spot. ”

4. Learned State counsel, on further instructions, submitted that the petitioner inflicted a blow with “*danda*” on the arm of injured Dhoop Singh, which resulted in a fracture on his arm inviting the mischief of offence under Section 117(2) of BNS, 2023. On further instructions, learned State counsel has not disputed that challan stands presented qua the petitioner. However, it has been submitted by the learned State counsel that charges have not yet been framed and in all likelihood would be framed on the next date of hearing. In addition, it has also been brought to the notice of this Court that as many as 26 prosecution witnesses have been cited by the prosecution.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody since 25.12.2024 and has been attributed injury on the arm of the injured Dhoop Singh, which is a non vital part of his body and the trial is unlikely to conclude in the near future.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it appropriate to allow the instant petition.

8. Accordingly, the instant petition is allowed. Petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove



shall not be construed to be an expression of opinion on the merits of the case.

9. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

29.04.2025
mamta

(MANJARI NEHRU KAUL)
JUDGE

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