



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

CRM-M-9748-2025

Reserved on: 22nd April, 2025

Pronounced on : 24th April, 2025

SURAJ @ HANDA

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. S.K. Sirsa, Advocate for the petitioner.

Mrs. Sheenu Sura, DAG, Haryana.

None for the complainant.

MANISHA BATRA, J :-

1. 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.0267 dated 18.07.2024 registered under Sections 115, 121(1), 122(1), 126, 351(2) of Bharatiya Nyaya Sanhita, 2023 and Section 25 of Arms Act (Section 190, 191(2), 191(3) and 118(2) of Bharatiya Nyaya Sanhita, 2023 added later on) at Police Station Sadar Sirsa.

2. As per the allegations, on 17.07.2024, the complainant Dharampal Laat was going towards his house on foot, when he was intercepted by seven persons who came while riding on three motorbikes. They were armed with weapons and were having muffled faces. One of them opened an attack upon the complainant by striking a blow with an iron chain



and then all of them extended beatings to him. On clamour being raised by the complainant, 3-4 persons working in the nearby fields were attracted towards the spot and on seeing them, the assailants managed to flee. The complainant noted down the number of one of the motorcycles. On his complaint, the aforementioned FIR was registered. Investigation proceedings were initiated. The victim was medico-legally examined. He sustained injuries one of which was declared to be grievous in nature. Offence under Section 118(2) of BNS was added later on. The complainant recorded his supplementary statement on 04.09.2024 on the basis of which the present petitioner and co-accused were nominated as such. The petitioner and co-accused Sandeep and Vinod were joined into investigation and were arrested on 20.09.2024. They suffered disclosure statements admitting their involvement in the crime and got demarcated the place of occurrence. The petitioner got recovered the weapon used at the time of incident and also the motorcycle used by him. Investigation qua arrested accused and petitioner stands completed and the petitioner is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. The supplementary statement of the complainant was recorded after a gap of 01 month 17 days. The petitioner is a co-villager of the complainant and therefore, it is highly unnatural that he was not named in the FIR by the complainant. No specific role has been attributed to him nor any recovery has been effected from him. The co-accused Vinod Kumar, Sandeep Kumar



have been extended benefit of regular bail. The co-accused Robin and Sahil have been released on interim bail. On parity, he too deserves to be extended the same benefit. He is in custody since long. The trial would take considerable time to conclude. With these broad submissions, it is urged that he deserves to be released on bail.

4. Status report has been filed by respondent-State. It is argued by learned Deputy Advocate General, Haryana that there are serious and specific allegations against the petitioner who by forming an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, had opened attack upon the complainant on 17.07.2024 and had voluntarily caused simple as well as grievous injuries on his person. The complainant had lost hearing capacity from one ear. The bracelet used by him for causing injury to the victim, has been recovered at his instance. There is nothing on record to show that there is undue delay in conclusion of the trial. Accordingly, it is urged that petition does not deserve to be allowed.

5. Rival contentions raised by both sides have been heard.

6. The petitioner along with the co-accused is alleged to have voluntarily caused simple as well as grievous injuries to the victim in the form of loss of hearing from one ear on temporary basis. The investigation, however, stands completed now. The trial is likely to take time to conclude. It is only on the basis of evidence produced in the trial that it can be determined as to whether petitioner was the person who has caused grievous injuries to the victim. The CCTV footage of the incident is shown to have captured but learned State counsel has very fairly conceded that said footage



was of the time prior to the occurrence. The co-accused Sandeep Kumar, Vinod Kumar, Sahil Kumar and Robin have been extended benefit of regular bail/anticipatory bail. The subject offences are triable by Magistrate. Keeping in view the period spent by the petitioner in custody, the nature of the allegations attributed to him, on parity and in view of the above discussed facts but without meaning to make any comment on the merits of the case, lest the same prejudice the trial, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal/surety bonds to the satisfaction of learned trial Court/CJM concerned/Duty Magistrate.

[MANISHA BATRA]
JUDGE

24.04.2025
Deepak Patwal

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