

2025:PHHC:060587



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

234

CRM-M-11242-2025 (O&M)

Date of decision: 08.05.2025

Kapil Sharma**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Ashit Malik, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 281 dated 01.07.2024, registered under Sections 109(1), 115, 118(1), 3(5), 351(3) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') [Section 118(2) of BNS added later on] at Police Station Kaithal, District Kaithal.

2. Brief facts of the case relevant for the disposal of the present petition are that the aforementioned FIR was registered on the basis of the complaint filed by complainant Dimple on the allegations that on 01.07.2024, at about 7.00 P.M., she was sitting outside her house along with her mother when accused Rakesh, who is her husband reached over there along with present petitioner and one Monu. They were armed with weapons and opened an assault upon her mother as well as herself. Co-accused Monu struck blows

2025:PHHC:060587



with *lathis* on the person of her mother and on herself, thereby injuring them and thereafter the assailants fled away from the spot. After registration of the FIR, investigation proceedings were initiated. The present petitioner was arrested on 03.07.2024. The co-accused were also arrested. Investigation stands completed.

3. The present petition has been filed on the grounds and it is argued by learned counsel for the petitioner that he has been falsely implicated in this case due to the fact that he is having friendly relations with the co-accused Rakesh and the complainant is having strained relations with him. No grievous injury has been attributed to him. The petitioner is in custody since long. The custodial interrogation of the petitioner is not required. No recovery remains to be effected from the petitioner. Trial is likely to take time. His further incarceration even otherwise would not serve any useful purpose. Similarly situated co-accused Monu has already been granted concession of regular bail by this Court, vide order dated 06.02.2025 passed in ***CRM-M-1054-2025***. On the grounds of parity, the petitioner too deserves the same benefit. Hence, it is urged that the petition deserves to be allowed.

4. Reply by way of affidavit of DSP, Hq., Kaithal has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Haryana, assisted by learned counsel for the complainant, has argued that the allegations against the petitioner are serious in nature as in furtherance of his common intention with the co-accused, he had assaulted the complainant and her mother and had caused injuries to them. The complainant had sustained five injuries one of which was grievous, whereas her mother had sustained two injuries. It is conceded that the injuries so sustained have

2025:PHHC:060587



not been opined to be dangerous in nature. However, it is urged that the petitioner does not deserve to be extended the benefit of bail.

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

6. The petitioner along with co-accused is alleged to have opened an assault upon the complainant and her mother and is further alleged to have voluntarily caused simple as well as grievous injuries to them. One of such injury had been sustained by the complainant on her head though it has not been opined to be dangerous but it was grievous in nature. The petitioner is in custody since 03.07.2024. Investigation has been completed. *Challan* has been filed. Conclusion of trial will take time as it is yet to be commenced. Similarly situated co-accused has already been granted concession of regular bail, as mentioned above. In view thereof, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

08.05.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>

