

2025:PHHC:053019



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

227

**CRM-M No.18929 of 2025
Date of Decision: 25.04.2025**

Bijender

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sahil Choudhary, Advocate,
for the petitioner.

Mrs. Sheenu Sura, DAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") for grant of regular bail in case arising out of FIR No.1025 dated 11.11.2023 registered under Section 323 of IPC (Section 326 of IPC added later on) read with Sections 34 and 506 of IPC at Police Station Samalkha, District Panipat. The previous petition as filed by him had been dismissed as withdrawn.

2. Brief facts relevant for the purpose of disposal of the present

2025:PHHC:053019



petition are that the aforementioned FIR was registered on the basis of a complaint lodged by the complainant Vinod alleging therein that in the morning of 08.11.2023, a verbal altercation had taken place between his wife Reena and their neighbourer Sonia. Thereafter, the accused Krishna, Meva Devi, Subhash and the petitioner came to the complainant and started hurling abuses to him. The complainant told them to not to do so but they opened an assault upon him. The petitioner was carrying an iron rod and he struck a blow with the same upon the complainant with intention to kill him. His left eye was injured. Accused Kirshna struck blows with danda whereas accused Meva Devi gave fist blows and slapped to the complainant and his son. Rescue alarm raised by them attracted his family members who saved the complainant and his son. While leaving, the petitioner and co-accused extended threat to kill the complainant. He was rushed to hospital and was medically examined. Initially, a case under Sections 323 and 506 read with Section 34 of IPC was registered. Investigation proceedings were initiated. The petitioner was arrested and is in custody since 17.12.2023. Offence under Section 326 of IPC was added later on, on receipt of medical opinion. The investigation stands concluded and the petitioner along with the co-accused 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. There is delay of three days in lodging of the FIR which has not been satisfactorily explainead. The co-accused Subhash whose case is at parity with the petitioner's case has been extended

2025:PHHC:053019



benefit of bail. No motive has been attributed to him. The trial will take time as no witness has been examined so far. His further incarceration would not serve any useful purpose. He does not have any criminal antecedents. With these broad submissions, it is argued that he deserves to be released on bail.

4. Per contra, learned Deputy Advocate General, Haryana has argued that the allegations against the petitioner are serious in nature. The petitioner had caused injury on the left eye of the complainant which has caused permanent loss of vision. Grievous and serious injury had been caused by him. His case is not at parity with the case of the co-accused. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the same. Accordingly, it is urged that the petitioner does not deserve to be released on bail.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused is alleged to have caused simple as well as grievous injuries to the complainant. He is in custody since 17.12.2023. No prosecution witness has been examined so far and obviously the trial would take considerable time to conclude. The subject offences are triable by Magistrate. The petitioner has clean antecedents. It is well settled proposition of law that bail is the rule and jail is an exception. Taking into consideration the above discussed facts and circumstances but without meaning to make any comment on the merits of the case lest they prejudice the trial, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as

2025:PHHC:053019



surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

25.04.2025
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(MANISHA BATRA)
JUDGE

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