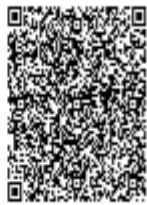


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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.20147 of 2025
Date of Decision: 12.08.2025
Reserved on: 06.08.2025

Rohit ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ved Parkash, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

Mr. Dushyant Rana, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
865	11.12.2024	Assandh, District Karnal	109(1), 115, 190, 191(3) and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) (117(2) of BNS added later on)

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR has been registered on the bsais of written complaint filed by complainant Satyawar on 11.12.2024 submitting therein that on the same day, he along with his brother Balwan, Suraj and one Satyawar had gone to Assandh Courts to attend

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the hearing of a case. Sometime after he reached back home, his brother Suraj made a call on phone and informed that they were being assaulted by accused Amit, Sanjay, Sachin and 10-12 more persons who were armed with weapons. He also informed that his brother Balwan had sustained serious injuries. The complainant rushed to the spot and took his brother to hospital. He prayed for taking action in the matter. After registration of FIR, investigation proceedings were initiated. The accused Manish was arrested. He suffered disclosure statement on the basis of which the petitioner was nominated as an accused and was arrested. He too suffered a disclosure statement and got recovered a danda in pursuance thereof. The co-accused was also arrested. Investigation now stands completed and challan has been presented in the Court.

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. There is previous enmity between the members of complainant party and family of accused Sanjay and litigation is going on between them. On 13.02.2022, the complainant and his brothers had entered into the shop of Sanjay and had opened an attack upon him and caused injuries to him. A case bearing FIR No.136 dated 17.02.2022 was registered against them. The FIR of this case was a counter blast to the said FIR. The petitioner is in custody since long. He does not have any criminal antecedents. No witness has been examined so far. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. It is, therefore, argued that he deserves to be released on bail.

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4. Status report has been filed. Learned Deputy Advocate General, Haryana assisted by learned counsel for the complainant has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be released on bail.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have formed membership of an unlawful assembly and in prosecution of common object thereof is alleged to have voluntarily caused injuries to Balwan, brother of the complainant. He was not named in the FIR. He is in custody since 17.01.2025. The trial will take time. He does not have any criminal antecedents. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the above discussed facts and circumstances, this Court is of the opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANISHA BATRA)
JUDGE

12.08.2025
manju

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No