



260

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

CRM-M-20940-2025

Date of Decision:28.04.2025

Harsh alias Sunda

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Kartar Singh Malik, Advocate, for the petitioner.
Mr. Gurmeet Singh, AAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.0060 dated 12.03.2025 registered under Sections 110, 115, 118(1), 190, 191(3), 351 (3) of BNS, 2023 at Police Station Kalanaur, District Rohtak.

2. Learned counsel for the petitioner submits that the complainant party in the present case was aggressor and had caused injuries to Himanshu, on the side of the present petitioner. He further submits that in fact, the petitioner had not participated in the occurrence in any manner and did not cause any injury to any of the injured. However, it has been falsely alleged that he had caused injuries with fists and kick blows and no other injury has been attributed to him. Learned counsel further contends that in the present case, both the sides had suffered injuries and it is a case of version and cross-version. Consequently, the trial Court is yet to decide the question of aggressor in the present case. Moreover, the motive was on the part of the complainant side to cause injuries

to Himanshu and his co-accused in the present case. Learned counsel further contends that the petitioner was arrested in the present case on 18.03.2025 and is in custody since then. The recoveries have already been effected from the petitioner in the instant case.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner, however, he does not dispute the fact that the petitioner had only caused injuries with kicks and fists and no other injury has been attributed to him. Even otherwise, as per case of the prosecution, the injury, which attracted the offence under Section 110 of BNS is attributed to other accused.

4. I have heard the learned counsel for the parties and perused the record.

5. Admittedly, it is a case of version and cross-version and Himanshu, on the side of the petitioner had also suffered serious injuries on his person. As per the case set up by the prosecution, the petitioner had only caused fist and kick blows and no other injury has been attributed to him. The petitioner is in custody since 18.03.2025 and no purpose will be served to keep the petitioner behind bars.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

28.04.2025
hemlata

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