



CRM-M-21934-2025

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

210

CRM-M-21934-2025

Date of Decision : 19.12.2025

SANTI

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Yashwant Singh Rathore, Advocate,
Ms. Sudha Singh, Advocate,
Mr. Yuvraj Rathore, Advocate and
Ms. Anandita Singh, Advocate
for the petitioner.

Mr. Vishal Singh, AAG, Haryana.

Mr. Suraj, Advocate
for the complainant.

AARADHNA SAWHNEY, J. (ORAL)

1. Present petition for grant of bail under Section 483 BNSS, 2023 has been filed by the petitioner, who is one of the accused in case FIR No.05, dated 10.01.2025, registered against him and others, at Police Station Butana, District Karnal, u/s 109(1), 115, 118(1), 190, 191(3), 333, 351(3) of BNS (Section 25 of Arms Act added later on).

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-



Ms. Reena Devi, wife of Suresh Kumar, resident of Mahatma Gandhi Colony, Old Nilokheri, set the criminal law in motion by alleging therein that petitioner being a member of unlawful assembly, unleashed an attack on complainant's husband, namely, Suresh Kumar and her father-in-law, namely, Sham Lal. At the time of incident, complainant is alleged to have been armed with a wooden stick at the edge of which an iron wire was wrapped. It is not disputed that in the incident, complainant's husband was badly injured. He suffered as many as 09 injuries and remained hospitalized for several days.

Primarily with this backdrop, complainant requested the police officials to caught hold of all those, who were involved in this incident, as also to initiate appropriate criminal proceedings against them. On the basis of the said complaint and MLR of injured, a formal case vide FIR No.05, dated 10.01.2025, u/s 109(1), 115, 118(1), 190, 191(3), 333, 351(3) of BNS (Section 25 of Arms Act added later on), was registered against present petitioner and others.

On 11.01.2025, Santi (present petitioner), Amit Kumar @ Bantu and Dilbag were arrested, who suffered disclosure statements and also got recovered 'two knives and one danda upon which iron wire was wrapped' used by them in the incident. On culmination of investigation, challan complete in all respect was filed, charges were framed and examination-in-chief of complainant has been recorded.

3. An application for grant of bail was filed by the present petitioner. The same was dismissed by the learned Sessions Judge, Karnal, in terms of order dated 08.04.2025. Aggrieved of which, the present petition has been filed.



4. Learned counsel for the petitioner contends that petitioner, a young boy, who is a student, has been falsely implicated in the present case. In fact, he did not participate in the occurrence, was making efforts to pacify the quarrel when accidentally complainant's husband and father-in-law suffered injuries. It is further the submission of learned counsel that petitioner, who has been in custody since 11.01.2025, deserves a lenient view to be taken in his favour, for the likelihood of completion of trial in the near future is quite remote, thus, his further incarceration would not serve any useful purpose. Prayer for allowing the present petition has been made.

5. *Per contra*, learned State counsel accompanied by learned counsel for the complainant, has opposed the request for grant of bail on the ground that petitioner was a member of unlawful assembly, which unleashed an attack on husband and father-in-law of complainant. In the incident, husband of complainant suffered multiple 'Grievous' injuries. In the light of the fact that none of the injured have been examined, if extended the concession of bail, there is every likelihood of him (petitioner) overawing them, as also of fleeing from the process of justice by not appearing in Court. Dismissal of petition has been prayed for.

During the course of submissions, on a pointed query raised by this Court, learned State counsel accompanied by complainant, fairly admits that other two accused, namely, Amit @ Bandu and Dilbag to whom specific roles have been assigned in the incident are still in custody, as also that examination-in-chief of complainant has been recorded.

6. I have heard the learned counsel for the parties and with their able



assistance, perused the record available on record.

7. It is settled principle that grant of Bail is the rule and jail is the exception. Hon'ble Supreme Court in "***Gurbaksh Singh Sibbia V. State of Punjab***", ((1980) 2 SCC 5) held as under:-

"27. It is not necessary to refer to decisions which deal with the right to ordinary bail because that right does not furnish an exact parallel to the right to anticipatory bail. It is, however, interesting that as long back as in 1924 it was held by the High Court of Calcutta in [Nagendra v. King-Emperor](#) [AIR 1924 Cal 476, 479, 480 : 25 Cri LJ 732] that the object of bail is to secure the attendance of the accused at the trial, that the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial and that it is indisputable that bail is not to be withheld as a punishment. In two other cases which, significantly, are the 'Meerut Conspiracy cases' observations are to be found regarding the right to bail which deserve a special mention. In [K.N. Joglekar v. Emperor](#) [AIR 1931 All 504 : 33 Cri LJ 94] it was observed, while dealing with Section 498 which corresponds to the present Section 439 of the Code, that it conferred upon the Sessions Judge or the High Court wide powers to grant bail which were not handicapped by the restrictions in the preceding Section 497 which corresponds to the present Section 437. It was observed by the court that there was no hard and fast rule and no inflexible principle governing the exercise of the discretion conferred by Section 498 and that the only principle which was established was that the discretion should be exercised judiciously. In [Emperor v. Hutchinson](#) [AIR 1931 All 356, 358 : 32 Cri LJ 1271] it was said that it was very unwise to make an attempt to lay down any particular rules which will bind the High Court, having regard to the fact that the legislature itself left the discretion of the court unfettered. According to the High Court, the variety of cases that may arise from time to time cannot be safely classified and it is dangerous to make an attempt to classify the cases and to say that in particular classes a bail may be granted but not in other classes. It was observed that the principle to be deduced from the various sections in the [Criminal Procedure Code](#) was that grant of bail is the rule and refusal is the exception. An accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. As a presumably innocent person he is therefore entitled to freedom and every opportunity to look after his own case. A presumably innocent person must have his freedom to enable him to establish his innocence.

28. Coming nearer home, it was observed by Krishna Iyer, J., in [Gudikanti Narasimhulu v. Public Prosecutor](#) [(1978) 1 SCC 240 : 1978 SCC (Cri) 115] that: (SCC p. 242, para 1)

"... the issue of bail is one of liberty, justice, public safety and burden of the public treasury, all of which insist that a developed



jurisprudence of bail is integral to a socially sensitized judicial process. . . . After all, personal liberty of an accused or convict is fundamental, suffering lawful eclipse only in terms of procedure established by law. The last four words of [Article 21](#) are the life of that human right.”

29. In [Gurcharan Singh v. State \(Delhi Administration\)](#) [(1978) 1 SCC 118 : 1978 SCC (Cri) 41] it was observed by Goswami, J., who spoke for the court, that: (SCC p. 129, para 29)

“29 “There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail.”

30. In AMERICAN JURISPRUDENCE (2d, Volume 8, p.806, para 39), it is stated:

“Where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end.”

It is thus clear that the question whether to grant bail or not depends for its answer upon a variety of circumstances, the cumulative effect of which must enter into the judicial verdict. Any one single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail.”

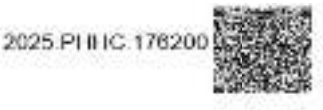
Factual aspects of the case have already been highlighted in para 2 of this order. In view of the submissions advanced by learned counsel for the petitioner but without further commenting on the merits of the case, the fact that examination-in-chief of complainant has been recorded, the Court is of the opinion that no useful purpose would be served by further detention of the petitioner (who has been in custody since 11.01.2025 and whose past antecedents are quite clean), as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of “*Bail is a general rule and incarceration is an exception*” as held by Hon’ble



Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

Resultantly, petitioner is granted the concession of bail subject to his furnishing bail bonds in the sum of Rs.1 lakh with two local sureties to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.*
- (ii) The petitioner will not tamper with the evidence during the trial.*
- (iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (v) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- (vi) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- (vii) The petitioner shall not in any manner misuse his liberty.*
- (viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*
- (ix) The trial Court/Duty Magistrate may impose any other*



condition, as deemed appropriate while releasing the petitioner.

Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AARADHNA SAWHNEY)
JUDGE

19.12.2025
Nisha Yadav

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>