



CRM-M-23494-2025

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
244 CRM-M-23494-2025
Date of decision: 15th May, 2025

Devender Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Abhinav Gupta, Advocate for the petitioner.
Ms. Sheenu Sura, Deputy Advocate General, Haryana.
Mr. P.S. Chauhan, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 08 dated 10.01.2025 registered under Sections 115, 118(1), 190, 191(2), 191(3), 351(3) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Sections 118(2), 109(1) and 3(5) of BNS added later on) at Police Station Kasola, District Rewari.

2. As per the allegations, on 08.01.2025, the petitioner who was having his house abutting the house of Zile Singh, uncle of the complainant Sombir, was creating a drain/hole in the roof of his house opening in the house of Zile Singh. The complainant and his family members had told him to not to do so. Feeling offended, the petitioner along with the co-accused formed membership of an unlawful assembly and in pursuance of the same, they reached outside the house of the complainant while being armed with weapons and opened an assault upon them after hurling abuses. Accused



Sunil struck a blow with *farsa* on the head of Yudhvir with an intention to kill him. The complainant sustained injury with an axe at the hands of accused Manish, whereas, Babli sustained injuries on her head at the hands of the present petitioner. Urmila and Sumitra were also assaulted by the assailants. Clamour raised by them, attracted the neighbourers and on seeing them, the assailants left the spot. The injured were taken to the hospital on 08.01.2025. They were opined to be unfit to make statement. The complainant Sombir submitted a written complaint on 10.01.2025 on the basis of which the aforementioned FIR was registered.

3. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested and is in custody since 14.01.2025. The co-accused were subsequently arrested. Investigation now stands completed and challan has been presented.

4. 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 formal FIR which has been utilized to concoct false and fabricated story and for false implication of the petitioner and other accused. Infact, it was complainant party, who was the aggressor. He is attributed injury with a sharp edge weapon on the person of Babli but recovery of *danda* is alleged to be effected from him. The injury attributed to him had not been opined to be grievous or dangerous to life. The medico legal report of Babli shows that it was sutured wound at forehead and nature of this injury has not been given. He too had sustained injuries in the same incident. Trial will take substantial time to conclude. He has clean antecedents. His further incarceration would not serve any useful purpose. Accordingly, it is urged



that he deserves to be extended benefit of bail.

5. *Per contra*, learned State counsel assisted by learned counsel for the complainant has argued that there are serious and specific allegations against the petitioner, who formed an unlawful assembly with the co-accused and had caused serious injuries to the members of the complainant party. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

6. Rival contentions raised by learned counsel for the parties have been considered.

7. The petitioner is alleged to have caused an injury on the forehead of the victim Babli. It is a case of version and cross-version. Investigation stands concluded but trial will take time to conclude. No purpose would be served by keeping the petitioner in custody anymore. It is well settled proposition of law that bail is the rule and jail is an exception. In view of the above discussed facts but without meaning to make any comment on the merits of the case, this Court is of the opinion that the petitioner deserves to be extended benefit of bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

15th May, 2025

Parveen Sharma

1. Whether speaking/ reasoned
2. Whether reportable

: Yes / No
: Yes / No