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

CRM-M-26813-2025

Date of Decision:21.05.2025

NISHANT

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

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

Present : Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the 1st petition under Section 483 of BNSS, 2023 with a prayer to grant regular bail to him in case FIR No.152 dated 20.06.2024, registered under Sections 147, 148, 149, 308, 323, 324, 506 IPC (added offence 307 & 325 IPC and 324 deleted in the report under Section 173 Cr.P.C.), Police Station Siwani, District Bhiwani.

2. The FIR in the present case was registered on the basis of the statement made by Naresh son of Bashesar Lal and the same has been reproduced below:-

“To, SHO Sahib Police Station Siwani, It is requested that I Naresh S/O Bashesar Lal permanent resident of Village Naloi. I have taken Sai Hotel near Gandavas on rent. Today morning (1:30 AM) I and my nephew were working in our hotel when some



people came to eat food, a fight started among them and they were drunk when I separated them and took them out of the hotel and all of them left from there. After some time Nishant Pandit and 6 others were with him whom I can recognize if they come forward, I don't know their names, all of them together started beating me, Nishant Pandit attacked my hands, legs and head with an axe and iron rod, they tried to kill me, when my nephew Vivek tried to save me, he was also beaten up, then all of them threatened to kill us before leaving, after that all of them ran away from there. After that my nephew Vivek brought me to the hospital where I am being treated. Strictest action should be taken against all these people. SD LTI Naresh applicant Naresh S/O Bashesar Lal resident of Naloi mobile no.9050032536, 8307790477”.

3. Learned counsel for the petitioner contends that the complainant party was the real aggressor in the present case and had caused injuries to the present petitioner. Even from the MLR of the petitioner dated 20.06.2024 (Annexure P-3), it is apparent that the petitioner had suffered serious injuries on his person and he was referred to a higher centre for better management at Bhiwani, due to his critical condition. He was operated upon and was discharged from the hospital on 22.06.2024. Learned counsel also referred to discharge slip of the petitioner (Annexure P-4) in this regard. He further contends that in the present case the complainant had suffered injuries on his person, but he has been discharged long ago and is hale and hearty. Even the prosecution has examined 11 witnesses out of total 13 witnesses and since all the material witnesses have already been examined, there are no chances of influencing the prosecution evidence. The petitioner was arrested in the present case on 08.07.2024 and is in custody for the last about 10 months.



4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court. He further submits that he is involved in one other case.

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

6. It is not in dispute that all the material witnesses have already been examined in the present case and the petitioner is not in a position to influence the witnesses of the prosecution. Even the petitioner had suffered serious injuries in the occurrence and the trial Court is yet to decide the question of aggressor in the present case. Thus, the further custody of the petitioner will not serve any useful purpose.

7. 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.

21.05.2025

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(N.S. SHEKHAWAT)
JUDGE

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