



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

CRM-M No.26889 of 2025
Date of Decision: 21.11.2025

Vijay Kumar

Versus

... Petitioner

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ram Kumar Saini, Advocate,
for the petitioner.

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

MANISHA BATRA, J. (Oral)

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
463	26.11.2024	Kaithal City, District Kaithal	115 (2), 124(1), 190, 191(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) (190 and 191(2) of BNS were deleted later on)

2. As per the allegations, on the night of 25.11.2024, the victim Sonu who used to run a cart for selling eggs, was present outside the warehouse of grain market, Kaithal wherein he used to run his business on his cart. The petitioner along with the co-accused reached there and opened an assault upon him by proclaiming that they would teach him a lesson for effecting a compromise with Vicky and Tinku. The accused

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Abhishek threw brick bats over the head of victim due to which he fell down and thereafter all the assailants gave fist and kick blows to him. The petitioner then took out a fry pan filled with hot oil kept on the cart of the victim and threw the burning oil on his face. Thereafter, they had fled away. The complainant Rakesh, nephew of the victim reached at the spot just after the incident and took the victim to hospital. On his complaint, the aforementioned FIR was registered. Investigation proceedings were initiated. The petitioner and co-accused were arrested on 02.12.2024. Offences under Sections 190 and 191 (2) of BNS were deleted during the course of investigation. The investigation stands concluded and the challan stands presented.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. He has a permanent abode. There are no chances of his absconding. He has clean antecedents. With these broad submissions, it is urged that he deserves to be released on bail.

4. Status report has been filed. Learned Deputy Advocate General, Haryana has vehemently argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused is alleged to have voluntarily caused injuries to the victim by throwing burning oil on his face

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and by giving kick and fist blows. These injuries have been opined to be simple in nature. The petitioner has been in custody since 02.12.2024. The well settled proposition of law is that pre trial incarceration of an accused should not be a replica of post conviction sentencing since the object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor preventive. Only one prosecution witness has been examined so far and obviously, the trial will take considerable time to conclude. Taking into consideration the above discussed facts but without meaning to make any comment on the merits of the case, this Court is of the considered 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. However, in addition to the conditions to be imposed by the learned trial Court/Duty Magistrate/Chief Judicial Magistrate, the release of the petitioner shall also be subject to the following conditions :

- (i) He shall not directly or indirectly make any inducement, threat 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.
- (ii) He shall deposit his passport, if any, with the learned trial Court;
- (iii) He shall not commit any similar offence while on bail.
- (iv) He shall not try to contact with the complainant or other prosecution witnesses or intimidate any of them

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during the course of trial.

(v) He shall not leave the country without prior permission of the trial Court.

8. In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall be at liberty to move an application seeking cancellation of the bail.

21.11.2025
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(MANISHA BATRA)
JUDGE

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