

CRM-M-29593-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29593-2025
Reserved on: 08.09.2025
Pronounced on: 19.09.2025

Rakesh Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kushager Goyal, Advocate
for the petitioner.

Mr. Atul Gaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
350	19.12.2023	Nathusari Chopta, District Sirsa	307, 323, 324, 506 IPC

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. Per the custody certificate dated 05.09.2025, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That brief facts of the case are that FIR no.350 dated 19.12.2023 under section 323/324/506/307 IPC was registered with Police Station Nathusari Chopta, on the statement of Krishna wife of Rakesh, resident of Vill. Chadiwal, wherein she has stated as under:-

I got married to Rakesh, around 22 years back, resident of Chadiwal. After my marriage I have 04 daughters and a son. My husband Rakesh is addicted to alcohol and does not do any work. He keeps fighting and quarreling with me every day. Today on 19.12.2023 at around 2:00 PM, I had gone to take my son Siddharth from Govt. School village Chadiwal. I had just reached outside the school, when my husband Rakesh came walking drunk and was holding a knife in his hand. As soon as, he came,

CRM-M-29593-2025

he first stabbed me in the stomach and then stabbed me again. My husband Rakesh stabbed me with the intention of killing me. Seeing people coming, he threatened me to kill again and fled from the spot with the knife. The reason is that I stop my husband from drinking alcohol, due to this he attacked me without any reason."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. Counsel further submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

5. The State's counsel opposes bail and refers to para 8, 9, & 12 of the reply, which read as follows:

"8. That on 08.01.2024 an application alongwith record of MLR No.RB/2724/12/2023 dated 19.12.2023 Bed Head Ticker (injured Krishna), was moved before the Medical Officer, GH, Sirsa for opinion about the Injuries. On the said application doctor gave the opinion as injuries:-

OPINION:-

In continuation of MLR No.RB/2724/12/2023 and BHT No.653306 (GH Sirsa) & BHT No. 386537 of MAMC Agroha collectively, both injuries no.1 & 2 are dangerous in nature.

True relevant translated copy of opinion dated 8.1.2024 regarding injuries is attached as Annexure R-2.

9 That on the same day i.e 8.1.2024 an application alongwith the recovered weapon (knife) was moved before Medical Officer, Govt. Hospital, Sirsa for opinion about the injuries with recovered weapon. On the said application Medical officer after checking has opined as under:-

OPINION

In continuation of MLR No.RB/2724/12/2023 a weapon is presented to me by IO (ASI Mahabir) with 3 seals of impression (MS), 1 seal impression and parcel opened. A knife type of weapon is presented with its dimension. Opinion:- Such type of injury could be possible with such type of weapon"

12. That the report of FSL regarding weapon dated 20.02.2024 has been received. As per the report: 1. Exhibit-1a (lady shirt's) & exhibit-1b

CRM-M-29593-2025

(Chunni) were stained with blood stains. 2. Blood was detected on exhibit-2 (Knife). True copy of the RFSL report dated 20.02.2024 is attached herewith as Annexure R-3.”

REASONING:

6. Per paragraph 5 of the bail petition, the petitioner has been in custody since 21.12.2023. Per the custody certificate dated 05.09.2025 the petitioner's total custody in this FIR is 01 year 08 months & 15 days.

7. There is sufficient evidence in the shape of the statement of the victim, the disclosure statement leading to the discovery of the knife, the identification of the same by the doctor as sufficient to cause the injuries received by the victim, and the Forensic Science Laboratory report connecting the same with the Commission of the offense.

8. This Court can preempt that in case the petitioner is released on bail, then there is a possibility of the petitioner again causing injuries to his wife. The victim is the wife of the petitioner. The person who was supposed to be the protector of the victim became the perpetrator which shows cruelty.

9. The petitioner acted with cruelty which is corroborated with the nature of injuries.

10. [Cruelty] implies there is something inhuman and barbarous -something more than the mere extinguishment of life.¹ The offense is heinous, and the crime brutal. Cruelty is one of the factors in deciding on bail. A cruel person is more likely to create a lot of insecurity in society. Once the courts form a prima facie opinion that the accused acted with cruelty, then such an accused ordinarily should not be granted bail, and if the courts deem it appropriate to grant, then it must be after specifying the reasons for such an indulgence. In the present case, an analysis of the allegations and evidence collected does not warrant the grant of bail to the accused.

11. The petitioner's custody of around 01 year 08 months & 15 days cannot be termed prolonged, given the minimum sentence prescribed for the offense.

12. Regarding the delay in the trial, if the trial does not conclude within one year of the petitioner's custody, and the delay is not attributable to the petitioner, the petitioner may apply for bail before the trial Court. The Court shall not be influenced by the dismissal of bail on merits or by the criminal history and shall decide it on changed circumstances and the prolonged trial.

¹ In re Kemmler, 136 U.S. at 436 [Refer: Matthew Lippman, Contemporary criminal law: concepts, cases, and controversies, University of Illinois at Chicago, 51, SAGE, California, USA, fourth edition, 2016].

CRM-M-29593-2025

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

14. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

19.09.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.