

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:167840



228

CRM-M-29803-2025 (O&M)

Date of decision:02.12.2025

Suraj @ Abdula

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Raj Kumar Chandana, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

...

Manisha Batra, J. (Oral).

CRM-48072-2025:

Application is allowed as prayed for. Documents as annexed with the same are ordered to be placed on record as Annexures P-3 to P-5 respectively. Fresh power of attorney on behalf of the petitioner has been filed.

Main case:

1. The instant petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case bearing FIR No.82, dated 22.02.2025, registered under Sections 110, 115, 118(1), 126, 190, 191(3), 109(1) and 351(2) of the BNS, at Police Station City Gohana.

2. The aforementioned FIR was registered on the basis of written complaint submitted by complainant Anil on 22.02.2025, alleging therein

that on the evening of 21.02.2025, he received telephonic information from his younger brother Mohit that the present petitioner along with co-accused had encircled him near Shiv Mandir Chowk and were quarreling with him. On receipt of this information, the complainant along with his brother Deepak rushed towards the spot but was intercepted by the present petitioner and the co-accused, who opened an assault upon his brothers and himself and started inflicting injuries on their person with their respective weapons which they were carrying. On rescue alarm being raised by the complainant and his brothers, the assailants fled from the spot. Victims were rushed to the hospital and were medically examined. After registration of the FIR, investigation proceedings were initiated. The injuries sustained by the injured complainant/Anil was opined to be dangerous to life. Offence under Section 109(1) of the BNS was added. The petitioner was arrested on 28.02.2025. Co-accused had also been arrested. Investigation now stands completed and the petitioner along with co-accused is facing trial for commission of the aforementioned offences.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. He is in custody since 28.02.2025. A cross case bearing FIR No.171 has been registered on 30.04.2025 at Police Station City Gohana on the basis of a complaint lodged by the members of his party. He too had sustained injury in the same incident. He has clean antecedents. The trial will take considerable time to conclude. His continued detention would not serve any useful purpose. It is, therefore, argued that the petitioner deserves to be extended the benefit of bail.

4. Per contra, learned State counsel has argued that there are

specific and serious allegations against the petitioner, who by forming membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, had voluntarily caused simple as well as grievous injuries to the members of the complainant party. Injury sustained by one of them has been opined to be dangerous to life. There are chances of the petitioner's absconding or intimidating the witnesses, if extended benefit of bail. It is, therefore argued that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties.

6. The petitioner while being part of an unlawful assembly with the co-accused is alleged to have opened an assault upon the complainant and his brothers. Though allegations against him prima facie make out a case for commission of subject offences, however, the petitioner is in custody for a period of more than 09 months. Challan has been presented. Continued detention of the petitioner is not going to serve any fruitful purpose. He has clean antecedents. Trial will obviously take time to conclude as only 03 witnesses have been examined so far. There is nothing on record to suggest that the petitioner will intimidate the witnesses or will abscond. It is well settled proposition of law that the bail is the rule and jail is an exception. Pre-trial incarceration of an accused should not be replica of post conviction sentencing. Keeping in view the above facts and circumstances but without meaning to make any comment on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM concerned.

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

02.12.2025

harjeet

Whether speaking/reasoned :
Whether reportable :

(MANISHA BATRA)

JUDGE

Yes/No
Yes/No