



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

CRM-M-37647-2025

Reserved on: 3rd September, 2025

Pronounced on: 16th September, 2025

Santosh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kunal Dawar, Advocate for the petitioner.
(through V.C.)

Ms. Himani Arora, Deputy Advocate General, Haryana.

MANISHA BATRA, J :-

The instant one is the second petition 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. 209 dated 20.06.2020 registered under Sections 148, 149, 323, 341, 302 and 506 of IPC and Section 25 of Arms Act, 1959 (Section 307 of IPC added later on) at Police Station Adarsh Nagar, Ballabgarh, District Faridabad, Haryana.

2. As per the allegations, on 19.06.2020, a verbal altercation had taken place between the petitioner and the complainant-Sahil, who was slapped by the former. Sometime thereafter, when the petitioner was present at the house of accused Ravinder, the complainant along with his family members had gone there to complain but the petitioner, accused-Ravinder and his family members opened an assault upon the complainant and his



family members by using *lathis*, *dandas* and knives. Sajid,-brother of the complainant and Sonu, his maternal uncle had sustained injuries with knives at the hands of the petitioner and co-accused Pankaj. Other members of family of the complainant were also assaulted. Sonu succumbed to the injuries so sustained. On the complaint lodged by the complainant, aforementioned FIR was registered. Investigation proceedings were initiated.

3. As per the further allegations, the petitioner was arrested on 20.06.2020 and suffered a disclosure statement admitting his involvement in the case. The knife used by him for causing injuries to the victim, had also been recovered at his instance. The investigation now stands completed.

4. Learned counsel for the petitioner has vehemently argued that he has been falsely implicated in this case. He has been in custody since 20.06.2020. It is a case of version and cross-version. The petitioner himself was the victim in this case as he had sustained injuries. No specific overt act qua the victim Sonu has been attributed to him. Rather on being assaulted by the members of complainant party, the petitioner had sustained serious injuries and had profusely bled. As such, there was no question of his assaulting anybody. The injuries were caused to injured Sajid by him and the co-accused in exercise of right of private defence. Co-accused Monu and Pankaj have been extended benefit of bail. It is, therefore, urged that he deserves to be released on bail.

5. Status report has been filed. Learned State counsel has argued that there are grave allegations against the petitioner. He has criminal antecedents since as many as seven criminal cases have been registered against him. He was an active participant in the incident. The prolonged



incarceration alone cannot be considered to be a reason for extending benefit of bail to the petitioner in such like cases. It is, therefore, urged that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. No post mortem examination of the dead body of the victim-Sonu Khan was conducted due to the reason that there was outbreak of pandemic of COVID-19 at that time. The cause of death of the victim as such has not come on record. For want of post mortem examination, even it is not *prima facie* revealed as to whether, the death of victim Sonu was homicidal in nature or not? It is a case of version and cross-version as the members of the complainant party have been ordered to be summoned under Section 307 of IPC on complaint lodged by the petitioner. The complainant and his sister Shabnam have been examined. No injuries on the person of victim have been attributed to the petitioner by both these witnesses. The petitioner has also placed on record Annexure P-5 copy of recovery memo of CCTV DVR which had captured the entire incident. On a perusal of this memo, it is revealed that it was injured Sajid who had stabbed the petitioner as well as accused Monu with a knife, whereas, the petitioner had thrown the victim Sonu Khan on the ground. The accused Monu and Pankaj had assaulted the victim Sonu. Even PW-6 Sahil Khan, who has been examined before the learned trial Court is not shown to have attributed any specific injury on the person of victim Sonu, to the petitioner. The petitioner has also placed on record copy of sworn deposition of PW-6 Lacchho, an eye-witness, who too is shown to have stated that accused Pankaj had stabbed



her son Sonu Khan multiple times with a knife. It is only on thorough assessment of the evidence to be produced during trial that assessment as to the direct involvement of the petitioner for causing death of the victim can be determined.

8. The petitioner has been in custody since 20.06.2020. Only 05 out of 41 witnesses, have since been examined. It is, therefore, apparent that the trial will take considerable time to conclude. In ***Javed Gulam Nabi Sheikh vs. State of Maharashtra and another, 2024 (3) RCR (Criminal) 494***, the Hon'ble Apex Court observed that the *right to a speedy trial* is implicit in Article 21 of the Constitution of India. No matter how serious the offence may be, if the prosecuting agency has no wherewithal to secure and protect this fundamental right, the State or other prosecuting agency ought not to oppose the plea for bail merely on the ground that the crime committed is of a serious nature. Co-accused Monu and Pankaj have been extended benefit of bail. It is fairly settled law that rule of consistency requires that if an accused has been granted bail by the Superior Court and the case against the applicant before the Court is similar and identical, he should be granted bail, even if his earlier bail was dismissed. Reference in this regard can be made to ***Sharad Kumar vs. CBI, 2012(1) RCR (Cr) 56 Delhi***. No doubt the petitioner is stated to be involved in four more cases. However, his involvement in other cases cannot be a ground for denial on bail. Reliance in this regard can be placed upon ***Maulana Mohd. Vs. State of U.P. etc. 2012(1) RCR (Criminal) 586***, ***Rakesh vs. State of Haryana (P&H) 2010 (3) RCR (Criminal) 194***, ***Gulshan Kumar vs. State of Himachal Pradesh 2018(3) ILR (HP) 97*** and ***Kamal Kumar vs. State of***

***Punjab 20225(2) Bom C.R. (Cri.) 40.***

9. In view of the above discussed facts and circumstances, this Court is of the considered opinion that the petitioner has made out a case for release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

10. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

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

[MANISHA BATRA]
JUDGE

16th September, 2025

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No