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

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**CRM-M-38670-2025 (O&M)
Date of decision : 12.09.2025**

Om Parkash

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rajiv Sharma, Advocate
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that 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. 273 dated 01.09.2022, registered under Sections 148, 149, 307, 323, 325, 506 and 201 of IPC and Section 25 of the Arms Act, 1959 at Police Station Sadar Ballabhgarh, District Faridabad. The previous petition was dismissed as withdrawn on 09.07.2024.

2. The aforementioned FIR was registered on the basis of a complaint lodged by complainant Rekha alleging that after obtaining requisite permissions from the concerned departments, her family had been in the process of installing a tower of Jio company at their plot. The petitioner and co-accused, who are residing in the neighborhood, were opposing such installation and were exerting pressure upon them as well as upon the local administration to not to get the same installed. On 01.09.2022, the officials of

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Jio company had visited their plot for the purpose of installation of the tower but they were intercepted by the petitioner and co-accused and when the family of the complainant resisted to the same, the petitioner, by forming membership of an unlawful assembly with the co-accused, reached at the spot. Accused Vidya Mahesh and Sonu made exhortation to kill the family members of the complainant and then the petitioner fired a shot with a pistol, thereby injuring right leg of the complainant. Another shot was fired by accused Shiva and the brother-in-law of the complainant had a narrow escape. The assailant, thereafter, opened assault upon the family members of the complainant with an intent to kill them and used sticks and bricks etc., as a result of which, the family members of the complainant sustained injuries. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 10.09.2024. He suffered disclosure statement admitting his involvement in the crime and got recovered the country made pistol used by him for causing fire arm injuries to the complainant. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case as a counter-blast to the FIR No. 275 got registered by the members of his group against the complainant party on 01.09.2022 itself. False recovery has been placed upon him. In fact, the members of the complainant party had formed membership of an unlawful assembly on 01.09.2022 and had opened attack upon the members of his group and had caused injuries to them. The case bearing FIR No. 275 has been registered against them on the same day but the police, under the influence of the members of the complainant party, firstly registered the FIR lodged by the complainant party. The petitioner is in custody since long. Trial will take time

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to conclude. No useful purpose would be served by keeping him in custody anymore. Co-accused have been extended benefit of bail. On parity, he too deserves to be given the same benefit. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as his criminal antecedents, he is not entitled to get benefit of bail. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common objection thereof, is alleged to have opened an assault upon the members of the complainant party and had caused injuries to them. The fire arm injury caused on the person of the complainant has been attributed to the petitioner. He is in custody since 10.09.2024. Investigation has since been concluded. Challan has been filed but even charges have not been framed so far, which means that conclusion of trial would take considerable time. The involvement of the petitioner in two other FIRs cannot be considered to be a ground for denying him the benefit of bail in given circumstances. It is well settled proposition of law that bail is the rule and the jail is an exception. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is

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ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

12.09.2025
Wasim Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No