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

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**CRM-M No.43261 of 2025
Date of Decision: 06.11.2025**

Saurabh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Shweta Bawa, Advocate,
for the petitioner.

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

MANISHA BATRA, J. (Oral)

1. The present one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in case arising out of FIR No.618 dated 30.09.2023 registered under Sections 323, 324, 34 and 506 of IPC (Section 307 of IPC added later on) at Police Station City Ballabgarh, District Faridabad. The first petition as filed by the petitioner bearing CRM-M No.179 of 2025 had been dismissed as withdrawn vide order dated 01.05.2025.

2. As per the allegations, on the night of 29.09.2023, the victim Amit had gone to attend birthday party of his friend Sanjay @ Solay at

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Sehnai Hotel, Ballabhgarh. He along with some other persons was sitting in a room of the hotel when the abovesaid Sanjay @ Solay after entering inside the room in an injured condition pleaded to save him, all of them came outside. The petitioner who was present outside along with three more persons had assaulted Sanjay @ Solay and as soon as the victim came out, the petitioner and three accomplices struck blows with knife in the abdomen of Amit and then they fled away from the spot. The injured was then rushed to hospital. On the basis of statement of his brother Lokesh, the aforementioned FIR was registered. Investigation proceedings were initiated. The victim Amit Thakur had sustained injuries which were declared to be dangerous to life. Sanjay and Vipin had also sustained injuries in the same incident. Offence under Section 307 of IPC was added during the course of investigation. Accused Aman Singh, Deepak Rana and Gaurav @ Kali were joined into investigation and were arrested. The petitioner was joined into investigation on 25.01.2024 and was formally arrested. He suffered disclosure statement in pursuance of which he got recovered the knife used in the crime and also demarcated the place of occurrence. Investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

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. Infact, it is a case of sudden fight between members of two groups and there was no intention on the part of the petitioner to kill any person. The remaining co-accused have been extended benefit of bail. The trial will take considerable

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time to conclude. No useful purpose would be served by keeping him in custody any more. It is, therefore, urged that he deserves to be released on bail.

4. Per contra, learned Deputy Advocate General, Haryana has argued that there are serious and specific allegations against the petitioner who is a habitual offender being involved in four criminal cases. The injuries which had been sustained by the victim Amit and had been opined to be dangerous to life had been attributed to the petitioner and none else. The victim Amit has been examined and has supported the case of the prosecution. The case of the petitioner is not at parity with the co-accused. There are chances of his intimidating the witnesses or absconding, if extended benefit of bail. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused is alleged to have assaulted the victim Amit and injured Sanjay @ Solay and Vipin. As alleged, he had given stabbed wounds to the victim Amit. He is in custody since 25.01.2024. The trial is going on at a slow pace as only 2 out of 25 witnesses have been examined so far. The co-accused have been extended benefit of bail. Involvement of the petitioner in other cases cannot be considered to be a reason for denying benefit of bail to him. It is well settled proposition of law that bail is the rule and jail is an exception. In view of the above discussed facts but without meaning to make any comment on the

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opinion that the petition deserves to be allowed. Accordingly, the petition 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 leave the country without prior permission of the trial Court.
- (iv) He will also disclose his present as well as permanent address before the learned trial Court at the time of furnishing of bonds and shall also give copy of his Aadhar Card, PAN Card if any and details of his mobile phone number(s) to the learned trial Court and in case, any change in his address or mobile phone number takes place, then he shall inform about the same to the learned trial Court in advance.

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.

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for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

06.11.2025
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(MANISHA BATRA)
JUDGE

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