



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

314+239

1)

CRM-M-40299-2025
Decided on : 04.08.2025

Captan @ Kaptan

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

2)

CRM-M-40606-2025

Sukhdev Kumar

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Rahul Singh, Advocate,
for the petitioner(s).

Mr. Amish Sharma, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. This order shall dispose of CRM-M-40299-2025 & CRM-M-40606-2025, as both the petitions are interconnected and have arisen out of same FIR. However, the lead case is CRM-M-40299-2025.
2. The instant petitions have been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioners, during the pendency of trial, who have been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Captan @ Kaptan (petitioner in CRM-M-40299-2025	459	30.12.2024	110, 118(1), 118(2), 3(5), 351(2) of BNS, 2023	Taraori	Karnal
Sukhdev Kumar (petitioner in					

CRM-M-40606-2025)					
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3. A few facts necessary for adjudication of the cases may be noticed.

Complainant/injured – Parveen Kumar s/o Sh. Subhash Chand, is a resident of Village Pakhana, P.S. Taraori, District and working as labour. On 30.12.2024, a person namely Sukhdev @ Sukha (petitioner in CRM-M-40606-2025) asked the complainant/injured to come out of his house and when the complainant reached there, he saw that Sukhdev was standing along with his brother Captan @ Kaptan (petitioner in CRM-M-40299-2025) and one Salinder. Thereafter, said Salinder caught hold of the hands of the complainant/injured and Captan @ Kaptan gave him slaps and fist blows, while, Sukhdev gave a gandasi blow on his head. When complainant/injured cried for help, then on gathering the persons of the locality, accused fled away from the spot.

4. Learned counsel for the petitioners submits that, as per the medical opinion dated 21.01.2025 (Annexure P-9) issued by the Medical Officer, H.C. Taraori (Karnal), after going through the NCCT report, the injury has been declared to be **simple in nature**, as no fracture was observed in the affected area.

It is further submitted that petitioner Captan @ Kaptan has been in custody since 31.12.2024, and petitioner Sukhdev Kumar since 08.01.2025, thereby having undergone incarceration of over **7 months**. It is also stated that the investigation has been completed and the final report has already been filed; however, the process of recording statements of prosecution witnesses is yet to commence.

5. Learned counsel contends that the only allegations against the

petitioners are that Captan @ Kaptan inflicted slaps and fist blows, while Sukhdev Kumar is alleged to have caused a *gandasi* blow, which has subsequently been opined to be **simple in nature**. Thus, keeping them behind bars any longer would serve no fruitful purpose. Hence, prayer for **grant of regular bail** is made on their behalf.

6. On the other hand, learned State counsel, while opposing the bail, submits that the allegations against the petitioners are serious in nature. Petitioner Sukhdev Kumar is specifically attributed with having inflicted a *gandasi* blow on the head of the complainant, which constitutes a potentially dangerous assault. Further submits that the offence was committed in furtherance of common intention by all the accused persons, and as such, their individual roles cannot be seen in isolation.

However, learned State counsel fairly concedes that both the petitioners have been in custody for more than seven months and that the final report has already been submitted before the competent Court. He also does not dispute the factual assertions as noticed here-above.

7. Heard.

8. Considering the overall circumstances of the case and the submissions addressed by learned counsel for both sides, this Court finds no justifiable reason to decline the prayer for bail made by the petitioners through the present petitions. It is evident that the trial proceedings are currently at a standstill, as even the examination of prosecution witnesses has not commenced, and hence, the conclusion of the trial is likely to take considerable time.

Besides, as per the medical opinion/report dated 21.01.2025 issued by the Medical Officer, H.C. Taraori (Karnal), injury has been declared to be simple in nature, as no fracture was observed in the affected

area. It is also noticeable that the offences alleged against the petitioners are triable by the Court of learned Magistrate. Therefore, in the given facts and circumstances, this Court does not deem it appropriate to further curtail the personal liberty of the petitioners for an indefinite period.

9. Consequently, prayer made in the present petitions are **allowed**. Petitioners are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Needless to observe that the petitioners shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

11. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

Petitions stand disposed of.

Pending misc. application(s), if any, also stand disposed of.

**(SANJAY VASHISTH)
JUDGE**

August 04, 2025

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No