

CRM-M-39959-2025(O&M)
Reserved on: 11.08.2025
Pronounced on: 21.08.2025

...PETITIONER

...RESPONDENT

FIR No.	Dated	Police Station	Sections
108	19.04.2025	Mahesh Nagar, District Ambala	115(2)/117(2)/190/191(3)/351(3) and later on added Section 110 of BNS, 2023

Sr. No.	FIR No.	Date/Year	Offenses	Police Station
1.	130	13.03.2022	147/149/323/354/452/506 IPC	Mahesh Nagar, Ambala Cantt.
2.	518	2022	148/149/323/427/452/506 IPC	Ambala Cantt.

- “Sir, Copy of Ruqa is as follows: Statement of Mayank Jaiswal son of Sh. Rajesh Kumar, Resident of House No.34, Patel Nagar, Police Station Mahesh Nagar District Ambala, aged 19 years, Mobile No. 94683-79610. Stated that I am resident of above stated address. I have studied upto 12th Class. We are two brother-sister. My sister Munni is elder to me. I am younger. My father Rajesh Kumar is employed in Indian Railways, whose duty is at Ambala Cantt Station. My mother Anjana Jaiswal does household work. Yesterday, on dated 19.04.2025, it was 25th*

Marriage Anniversary of my parents. In the said regard, there was function at our house. To attend the said function, my Mausi (Maternal Aunt) Anjul Gupta and my Maternal Uncle ('Masad') Gian Singh and other relatives had come to our house. During the said function, I took my mother and my sister munni and my Mausi (Maternal Aunt) Anjul Gupta and my Paternal Aunt (Bua) Urmil in my Car No. HR-85-3100 Make Hyundai Accent White Colour to the market for applying 'Mehndi'. After completing our work, when we were returning our house, and when at around 08:30 PM, we reached near Naghi corner, then from the front side, one car driver brought his car and struck side of his car in our car and due to the said impact, we came down from our car and stated to the said car driver that he has caused loss to our car. We were talking with the said car driver and then, at the same time, from the shop of 'Raju Cycle Wala', his son Sagar and Dipu came near us and upon coming to us, started giving abuses to us. Thereafter, we informed our father Rajesh Kumar about the same and after sometime, my father alongwith my Maternal Uncle ('Masad') Gian Singh reached at the spot. Within no time, at the spot, Sagar's father Raju and Sagar's friends Jai Parkash son of Chingi Lal, Vicky Saini, Channa, Himanshu, Sahil etc. 15- 20 persons gathered, who gave abuses to us and started giving beatings. Out of them, some boys were armed with sticks and iron rods. At the same time, all of them, attacked us and caused injuries to us. Dipu picked brick and tried to hit the same on my head, to which I brought forward my arm and resultantly, the brick hit upon my arm. Raju attacked me on my face with the brick, he was holding in his hands. Due to infliction of brick, my upper and lower teeth got broken. Thereafter, all of them attacked us with bricks and gravel stones and gave filthy abuses to us. They scuffled with us. In the said fight-quarrel and scuffle, the gold chain of my mother and my Maternal Aunt (Mausi) got fallen. In the said quarrel-fight, I, my mother Anjana Jaiswal and my Maternal Aunt (Mausi) Anjul Gupta, Paternal Uncle ('Masad') Gian Singh and our neighbourer Shakuntla wife of Late Som Nath suffered lot of injuries. After causing injuries, the aforesaid persons left the spot and while en leaving, gave us threat to kill. The aforesaid Sagar, Dipu, Raju, Jai Parkash son of Chingi Lal, Vicky Saini, Channa, Himanshu, Sahil etc. 15-20 persons entered into fight-quarrel with us and caused injuries to us. I am producing my MLR to you. Legal action be taken against the aforesaid persons. I I have got recorded my statement to you, read and the same is correct.Sd/- Mayank, Attested Sd/Mohan Lal ASI PP Kardhan, PS Mahesh Nagar dated 18.04.2025. Hence, the present case has been registered and the investigation of the case has been carried out by local police.”

4. The petitioner's Counsel submits that the matter stands compromised with the victim in view of the compromise deed dated 05.07.2025.

5. The petitioner's counsel prays for bail by imposing any stringent conditions including surrender of fire arms, if any. In case, he repeats the offence or commit any offence where the sentence is more than 07 years, he would have no objection, if State files an application for

cancellation of his bail. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

- 6. The State’s counsel opposes bail and refers to the reply.
- 7. It would be appropriate to refer to the following portions of the reply, which read as follows:

“That the IO tried to apprehend the accused-petitioner Himanshu but he could not be apprehended as he has hiding at some unknown place. It is submitted that the accused-petitioner alongwith other above named co-accused persons have attacked the complainant and other family members with bricks and stones and the accused-petitioner has also participated in the occurrence and caused injuries by pelting stones upon the injured. The injured have taken treatment from the hospital but have not admitted in the hospital and now all the injured are living their normal life and injuries have been healed. All the accused have used bricks and stones for causing injuries. The accused- petitioner has been specifically named in the FIR and has caused injuries by throwing bricks and stones upon the injured.”

REASONING:

- 8. Given the nature of injuries, role attributed to petitioner, there is no justification to deny bail, moreover, as per petitioner, matter stands compromised with the victim(s), this Court is inclined to grant bail.
- 9. The penal provisions invoked coupled with the primafacie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.
- 10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
- 11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

- 12. This order is subject to the petitioner’s complying with the following terms.

13. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

15. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

16. This bail is conditional, and the foundational condition is that if the petitioners indulge in any non-bailable offense, the State may file an application for cancellation of this bail before the concerned Court, which shall be at liberty to cancel this bail.

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

21.08.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.