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

**CRM-M-40794-2025
Decided on : 11.12.2025**

Harkesh alias Chotu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Rahul Sangwan, Advocate
for the petitioner.

Mr. Pawan Kumar Jhanda, Sr. DAG Haryana

SANJAY VASHISTH, J. (ORAL)

1. Petitioner- Harkesh alias Chotu, aged 25 years, has filed instant petition under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), seeking regular bail in case FIR No. 283 dated 19.11.2024, registered under Sections 115(2), 126(2), 190, 191(3), 351(3) of BNS (Sections 109(1), 117(2), 238(a), 110, 61(2) of BNS and Sections 192 and 181 of Motor Vehicle Act were added later on, subsequently Section 110 BNS was deleted) at Police Station Sahlawas, District Jhajjar, Haryana.

2. The FIR in the instant case was got registered at the instance of injured/complainant Pawan son of Maadu Singh. There are total three injured in the case namely, (i) Pawan, who suffered four simple injuries, (ii) Surrender, who suffered five simple injuries and (iii) Hawa Singh, who suffered total seven injuries, three of which were declared as grievous. Both the sides i.e. victim and the complainant/injured are co-villagers and residing in the neighbourhood of each

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other and on the date of incident i.e. 18.11.2024, while all the three injured were together on their tractor, accused/petitioner–Harkesh alias Chotu alongwith his brother Paramjit and father Bajrang and 8-10 other boys reached on the spot of incident in their car and stopped the injured/complainant and his brothers. Injuries were caused with sticks, wooden log and hockey. As per FIR, no specific injury has been attributed to any of the accused having been assaulted upon any particular injured. Subsequent to the registration of the FIR on 25.11.2024, six more accused were nominated through the disclosure statement of Harkesh, namely Harsh alias Golu, Surender alias Cheta, Yogesh alias Totu, Rohit alias Majaria, Prince and Atul. Subsequently, all the newly added six accused have been granted concession of bail by the Court concerned. Other co-accused namely, Bajrang Singh and Paramjit were initially granted anticipatory bail by this Court vide order dated 12.12.2024 (Annexure P-6).

However, during the course of investigation, both the accused namely Bajrang Singh and Paramjit were found innocent, thus, counsel argues that as of now the petitioner is the only accused, who is lying inside jail, though as per FIR no specific role of causing injury or holding of any specific arm is attributed against him.

Counsel points out, that petitioner is inside jail since the last more than a period of one year, however, out of 21 prosecution witnesses, none has been examined till date. The case being not distinguishable viz. a viz. other accused, learned counsel for the petitioner prays for grant of regular bail.

3. On the other hand, learned State counsel submits that during the course of investigation, as per statement of injured Hawa Singh, it is the petitioner Harkesh and his other associates, who have caused injuries to him and the other



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injured. Learned Senior DAG Haryana could not point out any specific statement of any of the injured attributing specific role to the present petitioner or of holding of any specific arm. Further, it is pointed out that there is recovery of *danda* from the present petitioner.

4. I have considered the submissions addressed by learned counsel for the parties and also gone through the record including the medical documents appended with the petition. Undoubtedly, nothing specific has been pointed out by the learned State counsel to establish that the petitioner is the only actual person, who is responsible for the grievous injuries having been inflicted upon injured Hawa Singh. There is another aspect that initially, in the medico legal examination conducted of injured Hawa Singh immediately after his hospitalization, no head injury was noticed, however, subsequently the injury over the head was found. Also in the status report, it was explained by the State that head injury suffered by the injured Hawa Singh, was not recorded in the initial Medico Legal Examination Report conducted by the concerned doctor on 18.11.2024 as the injury (blood clot) was not visible on physical examination and also, could not be disclosed by the injured as he was also not fit to make his statement initially.

Later on when the MRI/CT Scan of the injured Hawa Singh was conducted by the concerned doctors of PGIMS Rohtak, a blood clot was found present in the head of injured Hawa Singh which was declared dangerous to life by the concerned doctor in the opinion dated 12.12.2024.”

5. Be that as it may, still it would be a question before the trial Court, as to who is the specific accused, liable for the said injury, which subsequently was declared as dangerous to life. May be all the accused are held jointly

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liable for the said injury or only one or some of them. In any case, there being no specific role described viz. a viz. the petitioner, he can not be put under discrimination when other co-accused who were attributed similar role, have already been granted bail, also two of the accused namely Bajrang and Paramjit have already been declared innocent. The petitioner is inside jail for the last more than a period of one year and is a young person of the age of 25 years and is not indulged in any other similar incident, therefore, this Court deems it appropriate to consider the plea of the petitioner for grant of regular bail.

6. The prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his 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.

7. However, it is made clear that in case any of the accused is found indulged with the allegation of influencing or impressing upon the witnesses or issuing threat in any manner, it would be open for the complainant/prosecution agency to seek cancellation of instant bail order or of the concerned accused, whosoever is found active in doing so.

8. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

9. Petition stands disposed of.

December 11, 2025

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**(SANJAY VASHISTH)
JUDGE**

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO