

2025:PHHC:104838



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

266

CRM M-42703 of 2025

Date of Decision: 12.08.2025

Nitin @ Tocha

...Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. M.K. Mittal, Advocate, for the petitioner.

Mr. B.S. Saroha, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of B.N.S.S., 2023 with a prayer to grant a regular bail in case FIR No.421 dated 31.10.2024 under Sections 351(2), 324(6), 3(5), 126 and 115 of BNS, 2023 (Sections 109(1), 117(4), 191(2) and 238(c) of BNS, 2023 added lateron), registered at Police Station Rewari City District Rewari.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case, which was got registered by Devwart, injured due to family dispute between the parties. He further contends that in fact both the sides are closely related to each other and due to previous enmity, the petitioner has been arrayed as accused in the present case. Moreover, it is a case of

version and cross-version and Tulsiram, father of the petitioner was also injured in the cross-version. Even, the question of aggressor is yet to be decided by the Courts. He next contends that the petitioner was arrested in the present case on 10.01.2025 and the injured Devwart has already been discharged from the hospital. Learned counsel further contends that the prosecution has relied upon 22 witnesses but no witness has been examined so far.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are 05 more criminal cases registered against the petitioner and the petitioner is not entitled for the concession of regular bail. However, he does not dispute that it is a case of version and cross version and Devwart has already been discharged from the hospital.

4. I have heard learned counsel for the parties and perused the record.

5. In the present case, the petitioner is stated to be in custody for the last several months. Even, both the parties are closely related to each other and both the sides have suffered injuries in the alleged occurrence. Thus, the prosecution is yet to lead evidence to prove the question of aggressor in the present case.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered

to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

12.08.2025

(N.S.SHEKHAWAT)

amit rana

JUDGE

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