



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

CRM-M-43714-2025

Reserved on: 19th August, 2025

Pronounced on: 27th August, 2025

Tinku Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sudhir Rana, Advocate for the petitioner.

Ms. Himani Arora, Deputy Advocate General, Haryana.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 38 dated 13.02.2025 registered under Sections 115, 333, 3(5) and 351(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Section 331(7) of BNS added later on) at Police Station Sadar Dadri, District Charkhidadri.

2. As per the allegations, on the night of 12.02.2025, complainant Sunil Kumar was sleeping in his house, when four persons, namely Jai Pal, Rinku, Tinku(petitioner) and Sahil, all residents of his village, entered into his house while being armed with sticks. They opened assault upon the complainant and his wife and extended beatings to them with sticks. They committed theft of an amount of Rs.50,000/- kept in the refrigerator and snatched a gold neck chain of his wife. On clamour being raised, they fled



away while extending threats to the complainant. The complainant and his wife were medically examined. On the basis of his statement, the present FIR was registered. Investigation proceedings were initiated. During investigation, Rinku and Jai Pal, named in the FIR, were found to be innocent. Offence under Section 351(2) of BNS was deleted and offences under Sections 351(3) and 331(7) of BNS were added. During the course of investigation, the statement of the nephew of the complainant was recorded, who produced on record CCTV footage of the occurrence and identified the co-accused-Dharmender @ Golu as one of the assailants. He was arrested on 19.02.2025. The petitioner was arrested on 20.02.2025. 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. Two of the persons named in the FIR were found to be innocent and that shows falsity of the version of the complainant. No recovery is to be effected from the petitioner. The CCTV footage does not establish his identity. He is in custody since long. Trial will take considerable time to conclude. The ingredients for commission of offences punishable under Section 331(7) of BNS are not attracted. His further incarceration would not serve any useful purpose. The co-accused Dharmender @ Golu, whose case is on similar footing, has been extended benefit of bail. On parity, he too deserves to be extended same benefit. Therefore, it is, urged that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does



not deserve to be given benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length and has gone through the record carefully.

6. The petitioner is alleged to have criminally trespassed into the house of the complainant during night time and assaulted the complainant and his wife. The injuries which have been found on their person had been opined to be simple in nature. The petitioner is in custody since 20.02.2025. Trial will take time since no witness has been examined so far. As such, no useful purpose is going to be served by keeping the petitioner in custody anymore. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the above discussed facts but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

27th August, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*