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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(222)

CRM-M-43875-2025 (O & M)
Date of decision: 28.10.2025

Birender Singh Petitioner
V/s
State of Haryana ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Aditya Jain, Advocate,
Ms. Kaanan Jain, Advocate and
Mr. Rahul Vohra, Advocate with
Mr. Rais Farooqui, Advocate, for the petitioner.

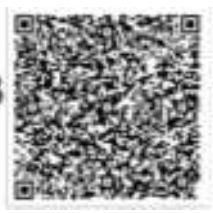
Mr. T.P. Singh, Sr. DAG, Haryana.

Mr. Samay Sandhawalia, Advocate,
for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 483 of BNSS, 2023 is for the grant of regular bail to the petitioner in a case FIR No.94 dated 04.04.2025 under Sections 109, 115, 117(2), 3(5), 451(3) of BNS, 2023 registered at Police Station Manesar, Gurugram, Haryana.

2. The learned counsel for the petitioner contends that the petitioner has only been attributed the role of having raised a *lalkara*. The injuries attracting Section 307 IPC (Section 109 BNS, 2023) have been attributed to Swarup @ Swaroop, the son of the petitioner. The injured has not suffered any permanent disability. As the petitioner is in custody since 03.06.2025 but none of the 14 prosecution witnesses has been examined so



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far, the Trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

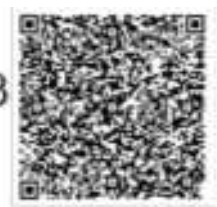
3. The learned counsel for the State, on the other hand, has filed a reply dated 16.10.2025 which is taken on record. While referring to the said reply, he alongwith the counsel for the complainant contend that the petitioner and his son assaulted the injured-Gajender causing grievous injuries to him. It is the petitioner who had asked his son-Swarup @ Swaroop to bring a *danda* and on his instructions, Swarup @ Swaroop had given *danda* blows to the injured. Therefore, the nature of the allegations do not entitle the petitioner to the concession as prayed for. They, however, concedes that the petitioner is in custody since 03.06.2025 and that none of the 14 prosecution witnesses has been examined so far.

4. I have heard the learned counsel for the parties.

5. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 03.06.2025 but none of the 14 prosecution witnesses has been examined so far. Therefore, the Trial in the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

6. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Birender Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. The present petition stands disposed of.



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8. The pending application(s), if any, shall stand disposed of accordingly.

(JASJIT SINGH BEDI)
JUDGE

October 28, 2025
sukhpreet

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