



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

107

CRM-M-49448-2025

Date of decision: 4th September, 2025

Sanjay

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Himanshu Bansal, Advocate for the petitioner.

Mr. Apoorv Garg, Additional Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of pre-arrest bail in case bearing FIR No. 118 dated 23.04.2024 registered under Sections 302 and 34 of IPC at Police Station Sonipat Sadar, District Sonipat.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of complaint lodged by the complainant Deepak alleging that the present petitioner along with co-accused Kallu and one more person, had inflicted injuries on the person of his father Shamsheer Singh and he had succumbed to the same. During the course of investigation, the accused Tinku @ Kallu was arrested. The present petitioner and co-accused Sattu @ Mama and one Harbans Lal were found to be innocent. Their names were kept in the



column No. 12 of the challan report and challan was presented against the accused Tinku @ Kallu. As revealed from the record, during the course of trial of accused Tinku @ Kallu, the complainant Deepak was examined as witness. Thereafter, he moved an application under Section 319 of Cr.P.C. for summoning the present petitioner and above named Mama as additional accused. This application was allowed by the Court of learned Additional Sessions Judge, Sonipat vide order dated 10.02.2025 and the petitioner was ordered to be summoned as an additional accused to face trial for commission of offence punishable under Section 302 read with Section 34 of IPC.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Thorough investigation was conducted in the matter by the police and he was found to be innocent. Learned trial Court has wrongly summoned him as an accused under Section 319 of Cr.P.C. He is ready to appear before the learned trial Court to join the proceedings and face trial. His custodial interrogation is not required. No recovery is to be effected from him. No investigation is required to be joined. It is, therefore, urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel has advance notice of the petition and is ready to argue the matter. It is submitted by him that there are serious allegations against the petitioner, hence, he does not deserve to be extended benefit of pre-arrest bail. Therefore, it is urged that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at



considerable length and has gone through the record carefully.

7. The petitioner along with the co-accused had allegedly inflicted injuries on the person of victim Shamsheer Singh resulting into his death. He was, however, found to be innocent during investigation and had not been arrested and challaned. Now he has been summoned as an additional accused. Trial is already going on. Neither his custodial interrogation is required nor he has to join any investigation. No recovery is to be effected from him. As such, this Court is of the considered opinion that no useful purpose would be served by taking the petitioner in custody and by his pre-trial incarceration. Accordingly, the petition is allowed and the petitioner is directed to surrender before the learned trial Court within a period of one week from today. On his surrendering, learned trial Court was admitted him to bail on his furnishing personal as well as surety bonds to its satisfaction. A copy of this order be sent to the learned trial Court.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

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

[MANISHA BATRA]
JUDGE

4th September, 2025

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No