



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(214)

CRA-S-2816-2025

DATE OF DECISION: 01.12.2025

Ashok Kumar

.....Appellant

VERSUS

State of Haryana and another

.....Respondents

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Sourabh Sheoran, Advocate, for the appellant.
Mr.Aditya Pal Singla, AAG, Haryana.

SUBHAS MEHLA, J (ORAL)

1. The present appeal has been filed against the impugned order dated 14.08.2025, passed by learned Additional Sessions Judge, Rohtak, whereby, regular bail application of the appellant was dismissed.

2. Learned counsel appearing on behalf of the appellant submitted that it is a case of version and cross version. The appellant also received injuries and drawn attention of this Court towards MLR Annexure A-4; FIR has been registered and the complainant in the present case is also accused in cross version; injuries caused to complainant are superficial in nature. Present appellant is in custody since 15.01.2025 i.e for the last more than ten months and fourteen days. The injured/complainant is not appearing before trial Court despite served through notice and his bailable warrants has been issued by the Court vide order dated 29.10.2025 and now the case is fixed for 16.01.2026; present appellant is not involved in any other case and having clear antecedents and prayed that the appeal be allowed.



3. On the other hand, reply on behalf of State filed in Court today is taken on record. Learned State counsel submitted that the present appellant caused injuries to the complainant Sachin and injury is stated to be dangerous to life in Surgeon's opinion. However, as per medical record there is no record which reveals that appellant remained admitted for four days i.e from 27.09.2024 to 01.10.2024 and prayed for dismissal of the petition.

4. Heard.

5. Keeping in view the facts of the present case that the appellant also received injuries and FIR bearing No.192 dated 29.10.2024 under Sections 351(3), 191(3), 190, 126 and 115 of BNS, is registered at Police Station Bahu Akbarpur on his version against the complainant and other co-accused; petitioner is in custody since 15.01.2025; complainant not appeared before the trial court for deposition despite duly served and his bailable warrants have been issued by the Court on 29.10.2025 for 16.01.2026, concession of bail cannot be denied just as measure of punishment as culpability of the accused will be decided at the final stage by the trial Court after appreciating the evidences adduced by both sides and it is trite principle of criminal jurisprudence that bail is rule, jail is an exception, hence, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

6. Therefore, without expressing any opinion on the merits of the case, the instant appeal is allowed. The appellant is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

7. Nothing observed hereinabove shall be construed to be an

Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

01.12.2025
mamta

Whether speaking/reasoned
Whether reportable

(SUBHAS MEHLA)
JUDGE

Yes/No
Yes/No