

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:165733



223

CRM-M-51593-2025 (O&M)
Date of decision:28.11.2025

Sachin @ Midha

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sayyam Garg, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

...

Manisha Batra, J. (Oral).

CRM-39485-2025:

Application is allowed as prayed for.

CRM-39486-2025:

Disposed of as having been rendered infructuous.

CRM-36928-2025:

Application is allowed as prayed for.

Main case:

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in case arising out of FIR No.865, dated 11.12.2024, registered under Sections 109(1), 115, 190, 191(3) and 351(2) of the BNS (offence under Section 117(2) of the BNS was added lateron), at

Police Station Asandh, District Karnal.

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR has been registered on the basis of written complaint filed by complainant Satyawar on 11.12.2024 submitting therein that on the same day, he along with his brother Balwan, Suraj and one Satyawar had gone to Assandh Courts to attend the hearing of a case. Sometime after he reached back home, his brother Suraj made a call on phone and informed that they were being assaulted by accused Amit, Sanjay, Sachin and 10-12 more persons who were armed with weapons. He also informed that his brother Balwan had sustained serious injuries. The complainant rushed to the spot and took his brother to hospital. He prayed for taking action in the matter. After registration of FIR, investigation proceedings were initiated. The accused Manish was arrested. He suffered disclosure statement on the basis of which the petitioner was nominated as an accused and was arrested. He too suffered a disclosure statement and got recovered a *danda* in pursuance thereof. The co-accused was also arrested. Investigation now stands completed and challan has been presented in the Court.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. There is previous enmity between the members of complainant party and family of accused Sanjay and litigation is going on between them. On 13.02.2022, the complainant and his brothers had entered into the shop of Sanjay and had opened an attack upon him and caused injuries to him. A case bearing FIR No.136 dated 17.02.2022 was registered against them. The FIR of this case

was a counter blast to the said FIR. The petitioner is in custody since long. He does not have any criminal antecedents. No witness has been examined so far. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. It is, therefore, argued that he deserves to be released on bail.

4. Status report has been filed. Learned State counsel assisted by learned counsel for the complainant has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be released on bail.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have formed membership of an unlawful assembly and in prosecution of common object thereof, is alleged to have voluntarily caused injuries to Balwan, brother of the complainant. He was not named in the FIR. He is in custody since 07.01.2025. The trial will take time. He does not have any criminal antecedents. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the above discussed facts and circumstances, this Court is of the opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be released on bail on his furnishing personal as well as surety bonds with two sureties in the like amount each to the satisfaction of the Court concerned/Duty Magistrate and subject to the condition that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case. He shall appear before the learned trial Court on each and every date of hearing except when his presence has been exempted by the trial Court.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.
8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

28.11.2025

harjeet

(MANISHA BATRA)
JUDGE

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