



CRM-M-54138-2024

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

279

CRM-M-54138-2024

Date of decision: 17th January, 2025

Parhlad Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Arpandeeep Narula, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

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. 553 dated 13.08.2024 registered under Sections 110, 115, 118(1), 126, 3(5), 351(2) (118(2) added later on) at Police Station Rania, District Sirsa, Haryana.

2. As per the allegations on 09.08.2024, the complainant Mohar Singh along with his brother Rajender was going towards his fields when the present petitioner and the co-accused Amar Singh, Rai Singh and Ved Parkash intercepted them while raising a clamour to teach a lesson to the complainant and his brother, all of them while being armed with their respective weapons opened an assault upon the complainant and his brother and caused injuries to them. The injured raised alarm and were rescued by his brother and other persons and they were rushed to the hospital. The motive behind the occurrence was that the petitioner and co-accused wanted to get electricity polls installed in the agricultural land of the complainant qua which the complaint was filed by the latter. After registration of FIR,



investigation proceedings were initiated. The petitioner was arrested on 30.08.2024. Investigation qua him stands completed and challan has been filed.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody since long. Investigation stands completed. Trial is likely to take time. No injury attracting the provisions of Section 110 of BNS has been attributed to him. Single injury has been attributed to him as well as to his brother, which has made the prosecution story quite improbable and unnatural. No useful purpose would be served by detaining him in custody anymore. The co-accused Hanuman has been extended benefit of interim anticipatory bail by Hon'ble Supreme Court. With these broad submissions, it is urged that the petitioner deserves to be released on bail.

4. Status report has been filed by the respondent-State. Learned Assistant Advocate General, Haryana assisted by learned counsel for the complainant has vehemently argued that there are serious and specific allegations against the petitioner, who had assaulted the complainant and his brother Rajender. Rajender had suffered fracture in his earbone. The said injury sustained by him has caused 100% loss of the hearing capacity of the the victim Rajender from one ear and 50% loss from two ears. Specific injury and specific overt act has been attributed to him. There are chances of petitioner's committing similar offences and intimidating the witnesses, if extended benefit of bail. Therefore, it is urged that he does not deserve to be released on bail.



5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have assaulted the victim Rajender and the complainant as on 09.08.2024 and is further alleged to have caused simple as well as grievous injuries to them. The injury which was sustained by the injured Rajender on his parietal region, has been opined to have resulted into loss of hearing. This injury was attributed to the petitioner as well as his brother. The petitioner is in custody since 30.08.2024. The co-accused Ved Prakash and Hanuman have since been extended benefit of pre-arrest/interim anticipatory bail. No recovery remains to be effected from the petitioner. Challan qua him stands filed. His further incarceration would not serve any useful purpose. 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 but without meaning to make any comment on the merits thereof lest they prejudice the trial, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing as well as surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Illaq Magistrate.

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

[MANISHA BATRA]
JUDGE

17th January, 2025

Parveen Sharma

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

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