

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

2025:PHHC:167719



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CRM-M No.57225 of 2025  
Date of Decision: 02.12.2025

Rakesh Kumar

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Vikram Singh Lakhlan, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

...

**MANISHA BATRA, J. (Oral)**

1. The petitioner is seeking indulgence of this Court by filing the present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") for grant of regular bail in case arising out of FIR No.119, dated 08.08.2025, registered under Sections 109(1), 115, 191(2), 191(3), 61 of the BNS, 2023, at Police Station Bahal, District Bhiwani.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant – Vikram alleging that on the evening of 05.08.2025, he along with Mahesh was going back towards his house, when on the way, one pick up vehicle came from the side of village Behl, which was driven at a very high speed. The driver of the vehicle hit the motorbike of the complainant with an intention to kill him. Both of them had fallen down. The driver of the pick up vehicle thereafter tried to crush

the complainant. The pick up driver kept on hitting the vehicle of the complainant due to which he himself and Mahesh sustained several injuries. Accused Anil, Sonu, Sanjay and Ashok along with 5-6 more persons thereafter alighted from the pick up vehicle and opened an assault upon the complainant and his companions with the help of *lathis* and *dandas*. On clamour being raised by the complainant, they fled from the spot with their vehicle. The complainant noted down the registration number of the vehicle. He along with Mahesh was taken to hospital and was treated. By alleging that the above named persons had assaulted him in connivance with the present petitioner, who was having a dispute with him on account of a contract of a liquor vend, he prayed for taking action in the matter. After registration of the FIR, investigation proceedings were initiated.

3. As per the further allegations, the petitioner was arrested on 01.09.2025. He was interrogated and suffered disclosure statement admitting his involvement in the crime. Co-accused have also been arrested. Investigation now stands completed and challan has been presented.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on account of rivalry with the complainant. He was not present at the time of the alleged occurrence nor any injury whatsoever has been attributed to him. He has been nominated on the basis of suspicion. There is delay of 03 days in lodging of the FIR which has not been explained at all. This delay has been utilized for concocting a false story by the complainant. His further incarceration would not serve any useful purpose. He is on bail in another case as registered against him and is not involved in any similar offence. He has a permanent abode and there is

no chance of his absconding or intimidating the witnesses, if extended benefit of bail. It is, therefore, argued that the petition deserves to be allowed.

5. Status report and custody certificate have been filed by learned State counsel. It is argued that there are specific and serious allegations against the petitioner. Petitioner by hatching a conspiracy with the co-accused, had assaulted the complainant and victim Mahesh with an intention to kill them and had voluntarily caused simple as well as grievous injuries on the person of both of them. There are chances of the petitioner's absconding and intimidating the witnesses, if extended benefit of bail. Hence, it is stressed that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions made by learned counsel for the parties.

7. The petitioner is alleged to have hatched a conspiracy with the co-accused and in pursuance thereof, the co-accused are stated to have formed membership of an unlawful assembly and in prosecution of common object thereof, they had assaulted the victims with the help of pick up vehicle with an intention to kill them. The petitioner was admittedly not present at the time of occurrence. It is a matter of trial and it is only on the basis of thorough assessment of the evidence to be produced during the trial that it cannot be concluded as to whether he has any hand in the occurrence as alleged. The petitioner has remained in custody since 01.09.2025. Investigation has been concluded, meaning thereby that he is not required for further investigation. Trial will obviously take time to conclude. No useful purpose would be served by detaining the petitioner

in custody. It is well settled proposition of law that bail is the rule and jail is an exception. Taking into consideration the above discussed facts but without meaning to make any comment on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM concerned.

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

02.12.2025  
*harjeet*

(MANISHA BATRA)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |