

2025:PHHC:175916



240 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59010-2025
Date of Decision: 18.12.2025

Harish ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Ajay Nagar (brother-in-law of the petitioner).

ASI, Vinod Kumar.

AARADHNA SAWHNEY, J. (ORAL)

Upon a call given by Punjab and Haryana High Court Bar Association, the Members of the Bar are abstaining from work.

1. Petitioner, an accused in case FIR No.109 dated 27.08.2025 registered against him, under Sections 115, 118(2), 126, 190, 191(3), 329(3), 351(2), 62 of BNS, 2023 at Police Station Tigaon, District Faridabad, has filed the present petition for grant of bail under Section 483 of BNSS.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

Mayank Chaudhary, a businessman had purchased chunks of land situated in Khewat No.278/267 Khatoni No.303 at village Dhakola, from various co-owners for valuable considerations. After purchasing the land, barbed wires were installed around the land. Complainant visited the purchased land and to his utter surprise noticed that the fencing done by him has been demolished. In the complaint he next alleged that at about 09:00 a.m. on 22.08.2025, he along with Ratti son of Ram Kumar,

Kavender son of Bhopal Singh, Preet son of Mahavir and Lalit son of Ravinder visited the purchased land to re-install the barbed wires, when suddenly Manish, Harish (petitioner), Satish, Chaman, Pawan and others, who were not known to them unleashed an attack. The above mentioned assailants were armed with dandas, rods, sharp-edged weapons etc. Manish, who was armed with danda hit Kavender with the same on his hand, co-accused Chaman gave a rod blow on the shoulder of Kavender, Harish (P) and Satish kicked him between legs, as also gave fist blows. Somehow they managed to escape but were threatened by the assailants with dire consequences. Police officials were intimated, who arrived at the site. Injured were rushed to the hospital. On the basis of the said complaint, medico-legal report, a formal case vide FIR No.109 dated 27.08.2025 was registered. Investigations were set into motion, during which, Investigating Officer visited the site and prepared a rough site plan and recorded the statements of the witnesses.

On 13.09.2025 petitioner was arrested, who during interrogation confessed to his involvement in the commission of the offence. On culmination of investigation qua petitioner challan was filed, charges have yet not been framed. An application for grant of bail under Section 483 BNSS was filed by the present petitioner. The same was dismissed by the learned Additional District & Sessions Judge, Faridabad, in terms of order dated 24.09.2025. Aggrieved of the same, the present petition has been filed.

3. It has been contended in the petition that petitioner has been falsely implicated in the present case. Incident did not occur in the manner as portrayed by the complainant. The fact that FIR was lodged after an unexplained delay of 03 days suggests that facts have been twisted and a coloured version has been presented. As per petitioner, complainant had purchased a portion of joint land and without getting the same demarcated, he attempted to raise barbed wires/fencing over un-partitioned portion of the land

and when they again attempted to re-install the fences, scuffle ensued in which both the parties suffered injuries. It has further been contended that even if the version of the complainant is taken to be true on face value (though not admitted) the role attributed to the present petitioner is that he allegedly kicked Kavender in between his legs. The said injury, as per the opinion of the doctor has been declared to be 'Simple' in nature.

4. Status report dated 16.12.2025 by way of affidavit of Mr. Ashok Kumar, HPS, Assistant Commissioner of Police, Tigaon, Faridabad along with copy of MLR, as also opinion of the doctor, have been filed. The same are taken on record. In para 12 of the status report, the factum of petitioner not being involved in any other criminal case has also been mentioned.

5. I have perused the contents of the petition.

In the light of the role played by the petitioner, the fact that alleged injury attributed to the petitioner has been opined to be 'Simple' in nature, as also taking notice of the fact that completion of trial in near future seems to be quite remote, the Court is of the opinion that further incarceration of the petitioner (who has been in custody since 13.09.2025) would not serve any useful purpose as the same would be violative of Article 21 of the Constitution of India, including right to speedy trial as also would be against the principle of "*Bail is a general rule and incarceration is an exception*" as held by Hon'ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131***. Thus, a lenient view is taken in favour of the petitioner by granting him concession of bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate/Chief Judicial Magistrate concerned. The petitioner shall also abide by the following conditions:-

(i) *The petitioner will surrender his passport and will not leave the*

- country without prior permission of the trial Court.*
- (ii) The petitioner will not tamper with the evidence during the trial.*
 - (iii) The petitioner will not pressurize/intimidate the prosecution witnesses.*
 - (iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
 - (v) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
 - (vi) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
 - (vii) The petitioner shall not in any manner misuse his liberty.*
 - (viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.*
 - (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

Accordingly, present petition is allowed.

(AARADHNA SAWHNEY)
JUDGE

18.12.2025
Parveen kumar

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