



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

241

**CRM-M-59253-2025
Decided on : 10.12.2025**

Manish

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. D.S.Virk, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Haryana
for the respondent-State.

Ms. Vaishali Kamboj, Advocate
for the complainant.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.266 dated 28.05.2025, registered under Sections 191(3), 190, 115(2), 118(1), 118(2), 351(3) of BNS, 2023 (Section 117(2) of the BNS, 2023 added lateron), at Police Station Kurukshetra University, District Kurukshetra.

2. Brief facts as per the prosecution case are that the petitioner alongwith other co-accused caused injuries to the complainant Uday with deadly weapons, with an intention to kill him. Hence the present FIR.



3. Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present FIR. Learned counsel further submits that no specific or sharp injury has been attributed to the petitioner and the alleged injuries are on thenon-vital part of the complainant. He submits that the petitioner has been involved in the present case because of some previous enmity, which was lateron compromised with the intervention of respectables. He further contends that co-accused Sahil Sehrawat, Sahil, and Ashish have already been granted regular bail by the Court of learned Additional Sessions Judge, Kurukshetra vide orders dated 25.09.2025, 23.09.2025, and 30.09.2025 respectively and co-accused Sachin and Ajay Sharma @ Bobby have been granted regular bail by a Coordinate Bench of this Court vide orders dated 19.09.2025 and 15.10.2025 respectively. The petitioner is in custody since 06.06.2025 and he has clean antecedents. Nothing is to be recovered him. After completion of investigation, challan has been presented against the petitioner and as the charges are yet to be framed, therefore, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the custody certificate which is taken on record. Status report has already been filed. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He submits that the petitioner is specifically named in the FIR and he had assaulted the complainant with a gandasi on his left thigh and caused grievous injuries to him. He submits that CCTV footage further corroborates the involvement of the petitioner in the said offence. However, he has not controverted the fact that the petitioner is the



first time offender as he is not involved in any other case.

Ms. Vaishali Kamboj, Advocate has appeared on behalf of the complainant and has filed her *Vakalatnama*, which is taken on record. She has also opposed the prayer for grant of bail to the petitioner on the ground that the petitioner was actively involved in the crime and if he is released on bail, he may abscond, tamper with the evidence or intimidate the witnesses. Therefore, she prays for dismissal of the present petition.

7. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last 06 months and 04 days; co-accused have already been granted the concession of regular bail by the Court of learned Additional Sessions Judge, Kurukshetra and also by a Coordinate Bench of this Court; challan has been presented, charges are yet to be framed, the complicity of the petitioner shall be determined after conclusion of trial which will take a long time to conclude and no useful purpose would be served by keeping him in custody any further. His further detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

8. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "bail is a rule" and "jail is an exception".

14. In view of the above, the present petition is allowed and the



petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

10.12.2025
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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