

2025 PHHC-172630



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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CRM-M-60251-2025 (O&M)  
Date of decision : 10.12.2025

**Rajwinder @ Raju**

... Petitioner

**Versus**

**State of Haryana**

...Respondent

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

Present: Mr. Tejas Bansal, Advocate for the petitioner

Mr. Neeraj Poswal, AAG, Haryana

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

1. The instant petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of regular bail in case arising out of FIR No.99, dated 10.07.2025, registered under Sections 115, 118(1) and 351(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') [Section 118(2) of BNS added later on] at Police Station Rori, District Sirsa.

2. The aforementioned FIR was registered on the basis of statement recorded by complainant-Nirmal Singh alleging that on the night of 09.07.2025, the present petitioner had come to the *Golgapa* cart of Vipin Singh, who was residing as a tenant in the house of his uncle and an altercation had taken place between the petitioner and Vipin

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Singh. The victim had called the complainant at the spot and informed that the petitioner had overturned his *Golgapa* cart. When the complainant reached at the spot and tried to pacify them, the petitioner opened an assault upon the complainant by striking a blow with a *kappa* on his head and had caused other injuries with the same weapon. The clamour raised by him attracted other people and then the petitioner fled away from the spot, while extending threats to the complainant. He was rushed to the hospital. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 02.09.2025. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. The trial will take considerable time to conclude. He is not required for further investigation. He is in continued detention since 02.09.2025. The subject offences are triable by Magistrate. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. With these broad submissions, it is urged that he deserves to be released on bail.

4. Status report and custody certificate have been filed. Learned State counsel has argued that there are serious and specific allegations against the petitioner, who had voluntarily caused grievous injury on the complainant. He has criminal antecedents. There are chances of his intimidating the witnesses or absconding, if extended

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benefit of bail. It is, thus, urged that the petitioner does not deserve to be extended benefit of bail.

5. This Court has heard rival submissions made by both the parties.

6. The petitioner is in custody for over a period of three months seven days. He is not required for further investigation. No fruitful purpose would be served by further incarceration of the petitioner. The trial will obviously take time to conclude. It is well settled proposition of law that bail is the rule and jail is an exception. Pre-trial incarceration of an accused should not be a replica of post-conviction sentencing. Taking into consideration the above discussed facts, this Court is of the considered opinion that a case for release of the petitioner on regular bail is made out. Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

10.12.2025

*Waseem Ansari/Amit Sharma***(MANISHA BATRA)**  
**JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*