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

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CRM-M-65909-2025 (O&M)
Date of decision : 22.12.2025

Amit @ Mitta

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sayyam Garg, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Sandeep Kumar Rana, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case bearing FIR No. 0865 dated 11.12.2024, registered under Sections 109(1), 115, 190, 191(3) and 351(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') [Section 117(2) of BNS added later on] at Police Station Assandh, District Karnal. The previous petition was dismissed as withdrawn on 27.10.2025.

2. As per the allegations, on 11.12.2024, complainant Satyawan along with his brother Balwan, Suraj and one Satyawan had gone to the Courts at Assandh to attend the hearing of a case. Some time after, he returned home. He received a call from his brother Suraj informing that the petitioner along with the co-accused had been assaulting them while being armed with weapons and that Balwan had sustained injuries. The complainant rushed from his

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residence and took his brother Balwan to the hospital in critical condition. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 17.12.2024. He suffered disclosure statement admitting his involvement in the crime and got recovered a hocky stick used by him for causing injuries on the head and leg of the victim. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody for over a period of one year. He is not required for any further custodial investigation. Conclusion of trial would take considerable time as no prosecution witness has been examined so far. His continued detention would not serve any useful purpose. He is on bail in other cases registered against him. Even otherwise, his involvement in other cases cannot be made a ground for denying him the benefit of bail in the given circumstances. Co-accused Rohit and Manish have already been granted concession of bail by this Court. On parity, the petitioner too deserves to be given the same benefit. It is, therefore, urged that the petition deserves to be allowed.

4. Status report as well as the custody certificate of the petitioner has been filed. Power of attorney has been filed on behalf of the complainant. Learned State counsel, assisted by learned counsel for the complainant, has argued that there are serious and specific allegations against the petitioner. In fact, he was the mastermind of the crime as it was he, who had opened attack upon the victim, thereby causing serious injuries to the victim. The victim had sustained simple as well as grievous injuries in the incident. The complainant and the victim are yet to be examined. There are chances of the petitioner's

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absconding and intimidating the witnesses, if released on bail. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is alleged to have opened an attack upon victim Balwan on the fateful day and is further alleged to have caused him simple as well as grievous injuries with an intent to kill him. However, no medical opinion as to the injuries sustained by the victim being dangerous to life has been given by the doctors. Although, the involvement of the petitioner in commission of subject offences is prima facie established, however, he is in custody for over a period of one year and conclusion of trial would obviously take considerable time as no witness has been examined so far. There is no basis for the contention that the petitioner may abscond or would intimidate the witnesses, if released on bail. It is well settled law that bail is the rule and jail is an exception. It is also well settled that the pre-trial incarceration should not be a replica of post-conviction sentencing and the sentence during trial should not be punitive. Taking into consideration the above discussed facts, this Court is of the considered opinion that no useful purpose would be served by detaining the petitioner into custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal bonds and surety bonds by two sureties to the satisfaction of the trial Court/Duty Magistrate concerned and on the following conditions:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with

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- the evidence of the case in any manner whatsoever.
- (ii) he shall not leave the country under any circumstance without permission of the learned trial Court.
 - (iii) he shall appear before the learned trial Court as and when directed.
 - (iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.
 - (v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switched on all times.

7. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

8. 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.

22.12.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No