CGHC010415652026 2026:CGHC:45336

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10016 of 2026

1 - Deepak Kharab Son Of Ramniwas Kharab, Aged About 25 Years R/o Village Gumana, P.S. Sadar Gohana, District- Sonipat, Hariyana

2 - Himanshu Kharab @ Boda S/o Rajesh Kharab, Aged About 21 Years R/o Village Gumana, P.S. Sadar Gohana, District- Sonipat, Hariyana

3 - Prince Dahiya @ Dubailook S/o Mahaveer Dahiya, Aged About 23 Years R/o Village Gaddi Hakikat, P.S. Gohana, District - Sonipat, Hariyana

... Applicants

Versus

1 - State Of Chhattisgarh Through Station House Officer, Police Station- Singhoda, District-Mahasamund (C.G.)

... Non-Applicant

For Applicants	:	Mr. Gaurav Singhal, Advocate
For Non-Applicant	:	Mr. Sumit Singh, Additional Advocate General

SB: Hon'ble Shri Parth Prateem Sahu, Judge

ORDER ON BOARD

27/10/2026

1. This is the first bail application filed by the applicants under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as they have been arrested in connection with Crime No. 87/2026 registered at Police Station – Singhoda, District – Mahasamund, Chhattisgarh for the offences punishable under Sections 109 (1), 3 (5),

189, 190, 351, 126, 127 of the Bharatiya Nyaya Sanhita, 2023 and under Section 25 of the Arms Act, 1959.

2. As per the prosecution story, in brief, on 19.05.2025, when the complainant was returning back alongwith Avesh Memon form Bargarh to Sariapali in between Chhuipali to Khamharpali, co- accused Manish Agrawal alongwith applicant came on Scorpio and stopped their Car, thereafter, Manish Agrawal, applicant and other accused persons pulled out the complainant started assaulting them by means of club, bear bottles, hand & fist. The incident was reported to the concerned police station on 07.08.2026, based upon which aforementioned crime was registered and applicants were arrested on 07.09.2026. Hence this application.

3. Learned counsel for the applicants submits that applicants are innocent, they have been falsely implicated in the crime. They have not committed any offence as alleged. He submits that that the alleged incident as is appearing from the FIR is dated 19.05.2025 at about 12:00 in the midnight, but the report is lodged only after about 1 year and 3 months from the alleged date of incident. He also contended that on the date of lodging of the report and examination of the complainant by the Doctor, no injuries can be detected and therefore, the offences as alleged against the applicants would not be made out. He also submits that the applicants are already in jail since 07.09.2026 and the registration of crime is thereafter which shows that false and fabricated complaint has been lodged against the applicants by the persons with enmity. Hence, it is prayed that the applicants be released on bail.

4. On the other hand, learned State Counsel opposes the bail application and further submits that according to the allegation apart from the assault by means of club, bear bottles, hand & fist, the applicant and the co-accused Manish Agrawal has put gun on his head. Upon putting specific

query with regard to MLC report, he submits that no injuries have been reported by the Doctor. He also submits that applicants are having the previous criminal antecedents registered against them.

5. I have heard learned counsel for the respective parties and perused the documents filed along with the bail application.

6. Considering the submissions advanced by learned counsel for the parties, the nature of the allegations, further that the report is lodged with inordinate delay, applicants are already in custody since about 1 month and the trial will take considerable time to conclude, without expressing any opinion on the merits of the case, I am inclined to allow this bail application.

7. Accordingly, the bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is allowed and it is directed that applicants shall be released on bail upon their furnishing a personal bond in the sum of Rs. 25,000/- each with one surety in the like sum to the satisfaction of Trial Court concerned on the conditions that:

> *(a) The applicants shall file an undertaking to the effect that they shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.*
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> *(b) The applicants shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of their absence, without sufficient cause, the trial court may proceed against them under Section 269 of Bharatiya Nyaya Sanhita.*
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> *(c) In case, the applicants misuses the liberty of bail during trial and in order to secure their presence, proclamation under Section 84 of BNSS. is issued and the applicants fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against them, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.*
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> *(d) The applicants shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against them in accordance with law.*

8. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith. Certified copy as per rules.

SHUBHAM DEY
Digitally signed by SHUBHAM DEY

Dey

Sd/-
(Parth Prateem Sahu)
Judge