



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CRM-M-6056-2026
Date of Decision : 16.03.2026

HARSHDEEP

...Petitioner

VERSUS

STATE OF HARYANA

...Respondents

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Ajay Kumar Bharti, Advocate for
Ms. Divya Narula, Advocate
for the petitioner.

Mr. Vishal Singh, AAG, Haryana.

AARADHNA SAWHNEY, J. (ORAL)

1. Petitioner, who is an accused in case FIR No. 519 dated 27.10.2024, registered against him for commission of offences under Sections 109(1), 115, 126, 190, 191(2), 191(3), 351(2) of BNS (Sections 117(2), 238 of BNS added later on) and Section 25 of Arms Act, at Police Station Sadar Dabwali, has filed the present 2nd petition u/s 483 of BNSS for grant of bail. The first petition bearing CRM-M-~~34701~~-2025 was disposed of by a co-ordinate Bench of this Court, vide order dated 14.09.2025, whereby petitioner was granted interim bail from 25.09.2025 to 15.10.2025.

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

Anmol (complainant), son of Satpal, resident of Rajpura Majra, set the criminal law in motion by filing a complaint pointing therein that his father,



Shri Satpal runs an electronic shop at Abubshahar Bus Stand. Every evening after winding up work and closing the shop, the two of them drive back to their village Rajpura Majra on motorcycles. At around 7.00 PM on 25.10.2024, after closing the shop, his father left for village. Little while later, he also headed back home. When his father was about 100 meters ahead of him and had reached near Sakta Khera Minor, he saw a silver coloured ZEN car coming from the opposite direction. The driver of the said car deliberately attempted to hit his father's motorcycle. When he (c) reached near his father, he confronted the driver and immediately recognized him as Nishan, son of Amarjeet, resident of Abubshahar village. His father raised his voice and questioned the boys, when suddenly Nishan along with Deepak @ Deepu, son of Dharampal, Arshdeep, son of Rajpal, Sukhpreet, son of Beant Singh and 2-3 other persons alighted from the car. Nishan was holding a pistol. Deepak @ Deepu and Sukhpreet were armed with a 'Kappa' each and Harshdeep @ Arshdeep (present petitioner), son of Raj Pal had an iron rod. Without any provocation, Nishan fired gunshots from his pistol. The shots somehow did not hit anybody. On the instructions of Nishan, Deepak @ Deepu, Harshdeep @ Arshdeep (present petitioner) and Sukhpreet unleashed an attack and mercilessly assaulted his father. When he (c) tried to intervene, he was also beaten up. As people started gathering near the site, the assailants fled away but not before issuing threat to him and his father to kill them on any suitable opportunity.

On the basis of said complaint and medico legal report, which indicated that father of the complainant, Shri Satpal had suffered six injuries, a formal case vide FIR No. 519 dated 27.10.2024, was registered against him u/s 109(1), 115, 126, 190, 191(2), 191(3), 351(2) of BNS (Sections 117(2), 238 of



BNS added later on) and Section 25 of Arms Act, at Police Station Sadar Dabwali. Investigations were set in motion.

On 28.10.2024, co-accused, namely, Deepak @ Deepu, who was specifically named in the FIR, was arrested. During interrogation, he admitted to his involvement in the incident and got recovered an iron 'Kappa' used by him in the commission of offence. On completion of investigation, challan was filed against him (Deepak). Opinion of the doctor was sought with regard to the nature of injuries suffered by Shri Satpal, three out of six injuries were opined as 'Grievous' in nature.

In paragraph Nos. 8 and 9 of the status report dated 22.02.2026 filed by way of affidavit of Mr. Kapil Ahlawat, Deputy Superintendent of Police, Dabwali, District Sirsa, the date when the petitioner was arrested, as also the role played by him has been elaborated upon, which for the sake of convenience is reproduced hereinbelow:-

“8. That during the investigation on 10.01.2025, petitioner/accused named in FIR Harshdeep @ Sandy and co-accused named Nishan and Sukhveer @ Bhawra (who were confined in Jail in case FIR No.515 dated 23.10.2024, under sections 309(4)/3(5) BNS, 2023, Police Station Sadar Dabwali), were joined in the investigation of the case by getting issued their production warrants and were arrested in this case on 10.01.2025. During investigation petitioner/accused Harshdeep @ Sandy and co-accused Nishan and Sukhveer @ Bhawra suffered their respective disclosure statements admitting their involvement in commission of crime alongwith co-accused and got demarcated the place where on 25.10.2024 they parked their vehicle in front of the motorcycle of Anmol son of Satpal blocked the road, fired a bullet and beat up Anmol son of Satpal, in accordance their disclosure statement. Copy of disclosure statement



of petitioner/accused Harshdeep Singh @ Sandy is annexed herewith as Annexure R-4.

9. That during investigation on 11.01.2025, petitioner/accused Harshdeep @ Sandy got recovered one iron rod and accused Sukhveer also got recovered one iron Kapa, which was used in commission of crime. During investigation accused Nishan got demarcated the place where he thrown the empty cartridge in Indra Gandhi Rajkanal for destroying the evidence. During investigation petitioner/accused Harshdeep @ Sandy and co-accused Sukhveer and Nishan got demarcated the place where they had prepared a plan for assault with injured Satpal son of Sona Ram and petitioner/accused Harshdeep @ Sandy and co-accused Nishan also got demarcated the place where 3 months back, they had purchase alleged 3.15 Indian made Pistol and cartridge from Resham Singh @ Navi son of Jagsir Singh, resident of Mangiana, which was used in commission of crime. Accordingly, section 238 BNS was added in the case.”

The pistol and the cartridge which were already in possession of the police authorities in case bearing FIR No.515 dated 23.10.2024 u/s 309(4), 3(5), BNS and Sections 25, 54, 59 of Arms Act, at Police Station Dabwali Sadar, were taken into possession. On culminating of investigations qua present petitioner are complete and challan was filed on 08.07.2025.

3. Petitioner-accused moved an application for grant of bail before the learned Additional Sessions Judge, Sirsa. The same came to be dismissed vide order dated 27.05.2025.

4. Learned counsel for the petitioner contends that petitioner, a young boy, has been falsely implicated in the present case. Unexplained delay of 2 days in lodging the FIR has raised a serious question mark on the genuineness of the



story put forth by the prosecution. This intervening period was misused by complainant-party to concoct the facts to suit his convenience. Further, no specific role/ injury has been attributed to the present petitioner. In any case, none of injuries suffered by injured have been declared '*Dangerous to life*'.

While referring to order dated 20.01.2026 passed by this Court in CRM-M-45583-2025, vide which co-accused Deepak @ Deepu was extended the concession of bail, learned counsel submits that similar treatment be meted out to present petitioner, who has been in custody since 10.01.2025 as the likelihood of completion of trial in the near future is quite remote, for out of 26 cited prosecution witnesses, none has been examined till date. In the light of the submissions advanced hereinabove, as per the learned counsel, further incarceration of petitioner in custody would not only be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial but would also be against the principle of "*Bail is a general rule and incarceration is an exception*". Prayer for grant of Bail has been made.

5. *Per contra*, while referring to the Status Report dated 22.02.2026 by way of affidavit of Mr. Kapil Ahlawat, Deputy Superintendent of Police, Dabwali, District Sirsa, learned State counsel opposed the request for grant of bail on the ground that the manner in which petitioner and his other accomplices unleashed an attack on complainant, who suffered three '*Grievous*' injuries and was not in a position to move around, no case for taking lenient view is made out in his (P) favour, for if extended the concession of bail, the likelihood of petitioner, who has questionable past antecedents being involved in 06 other criminal cases of like nature (details of which have been mentioned in para 16 of the Status Report), overawing complainant and related witnesses, who have not been examined till



date and fleeing from the process of justice by not appearing in the Court is quite high. Dismissal of the petition has been prayed for.

6. Heard learned counsel for the parties and perused the documents on record.

7. Factual aspects of the case leading to the registration of the FIR have already been noticed hereinabove. The role of the petitioner has also been highlighted in the status report. Be that as it may, considering that the petitioner has been in custody since 10.01.2025 and out of 26 cited prosecution witnesses, none has been examined, the possibility of completion of trial in near future is quite remote, thus, his further incarceration would not only be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial but would also 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.***

Resultantly, petitioner is released on bail subject to his furnishing bail bonds along with two local sound surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) *The petitioner will not tamper with the evidence during the trial.*
- (ii) *The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iii) *The petitioner shall not leave the country without prior permission of the trial Court.*
- (iv) *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.*



- (v) *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.*
- (vi) *The petitioner shall not in any manner misuse his liberty.*
- (vii) *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.*
- (viii) *The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (ix) *The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.*

8. Accordingly, the present petition is allowed and it is made 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.

9. 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.

(AARADHNA SAWHNEY)
JUDGE

16.03.2026
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No