

2026.PHHC.079059



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-6268-2026

Nikhil Sharma

...Petitioner

Versus

State of Haryana

...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	19.05.2026
2	The date when the judgment is pronounced	21.05.2026
3	The date when the judgment is uploaded on the website	21.05.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aditya Jain, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J :-

. The instant one is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) by the petitioner seeking grant of regular bail in case bearing FIR No. 176 dated 01.10.2023 registered under Sections 148, 149, 302, 323, 324, 379-B, 452 and 506 of IPC (Section 201 of IPC added later on) at Police Station Tigaon, Faridabad. His previous petition bearing CRM-M- No. 5346-2025 had been dismissed as withdrawn vide order dated 06.08.2025.

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2. The aforesaid FIR was registered on the basis of a written complaint submitted by the complainant Rajesh alleging therein that on 01.10.2023, the persons named in the complaint had formed membership of an unlawful assembly and in prosecution of the common object thereof, had criminally trespassed into his house while being armed with weapons and had opened an assault upon him and his family members. The complainant alleged that injuries were also caused by the accused to his father Prabhu Nath. Articles and money kept in the house were allegedly taken away. His father had been rushed to the hospital along with other injured persons, but later succumbed to his injuries. The motive attributed to the accused was election rivalry as well as damage caused to the crops of the complainant's party on 29.02.2023 by leaving their cattle open in the fields of the complainant.

3. As per the further allegations, during the course of investigation, accused Mohit and Ravindra @ Kallu were arrested. Accused Mohit suffered a disclosure statement on the basis of which the present petitioner was nominated as an accused and was arrested on 20.11.2023. Other accused were also arrested subsequently. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that the present petitioner was not named in the FIR lodged by the injured witnesses or any other eyewitnesses. Similarly situated co-accused, namely Om Dutt Saini, Mohit Rohit Mandiya, Vinay, Aniket @ Monnu, Nikhil @ Nikki @ Prince, and Shankar have already been extended the benefit of bail. Accused Sumit has also been extended the benefit of bail by the Hon'ble Apex Court. He has

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remained in custody for a period of more than 02 years and 06 months. The chances of conclusion of trial in the near future are bleak as, till date, only 01 out of 46 prosecution witnesses has been examined so far. No specific act or injury has been attributed to him. His further detention would not serve any useful purpose. It is, therefore, argued that on the ground of parity, he deserves to be extended the benefit of bail.

4. Learned State counsel has vehemently argued that taking into consideration the gravity of the allegations levelled against the petitioner, he does not deserve to be extended the benefit of bail. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

6. As per the allegations, the petitioner is alleged to have hatched a conspiracy with the co-accused and in pursuance thereof, the complainant and his family members had been assaulted and sustained injuries. The injuries sustained by the father of the complainant resulted in his unnatural death. The petitioner was not named in the FIR and has been nominated on the basis of a disclosure statement suffered by a co-accused and the veracity of this statement has to be tested during trial. The petitioner has been in custody since 20.11.2023. No specific act or injury has been attributed to him. The complainant and eyewitnesses have been examined and they have not

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implicated the petitioner in the commission of the subject offence. Several similarly situated co-accused have already been extended the benefit of bail. Further incarceration of the petitioner would not serve any justified purpose. It is well settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentencing. The object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor preventive and the deprivation of liberty has been considered as a punishment. There is nothing on record to show that the delay in conclusion of the trial is attributable to the present petitioner. In view of the discussion made above, this Court is of the considered opinion that the petitioner has made out a case for his release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
8. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

21st May, 2026
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No