

2026.PHHC.048422



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-6523-2026

Date of decision: 27th March, 2026

Anil @ Kharsu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vikram Singh Lakhlan, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been 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. 119 dated 08.08.2025 registered under Sections 109(1), 115, 191(2), 191(3) and 61 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Bahal, District Bhiwani.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant-Vikram alleging that on the evening of 05.08.2025, he along with Mahesh was going back towards his house, when on the way, one pick up vehicle came from the side of village Behl, which was driven at a very high speed. The driver of the vehicle hit the motorbike of the complainant with an intention to kill him. Both of them had fallen down. The

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driver of the pick up vehicle thereafter tried to crush the complainant. The pick up driver kept on hitting the vehicle of the complainant due to which he himself and Mahesh sustained several injuries. The petitioner along with accused Sonu, Sanjay and Ashok along with 5-6 more persons thereafter alighted from the pick up vehicle and opened an assault upon the complainant and his companions with the help of *lathis* and *dandas*. On clamour being raised by the complainant, they fled from the spot with their vehicle. The complainant noted down the registration number of the vehicle. He along with Mahesh was taken to hospital and was treated. By alleging that accused Rakesh was having a dispute with him on account of contract of a liquor vend and he along with the petitioner and other co-accused assaulted the complainant, the latter prayed for taking action in the matter.

3. After registration of FIR, investigation proceedings were initiated. The petitioner and co-accused Vinod @ Dhayala were arrested on 11.09.2025. The petitioner got recovered one Innova vehicle used by him and the co-accused at the time of occurrence. He also suffered disclosure statement demarcated the place of occurrence. Co-accused were also arrested. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of 03 days in lodging of the FIR which has not been explained at all. He was neither present at the place of occurrence nor caused injury to anyone. The first crime scene visit report clearly shows that no evidence of involvement of any vehicle was found at the

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place of occurrence and as such, the recovery of vehicle has been falsely planted upon him. No injury had been sustained by the victims on the vital part of their bodies. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. Now trial Court had framed charge under Section 110 of BNS against him and the co-accused and not under Section 109 of BNS. The offence under Section 110 does not attract punishment beyond maximum period of 07 years. He is no required for further investigation. Trial will take considerable time to conclude as no prosecution witness has been examined so far. No useful purpose would be served by keeping him in custody anymore. With these broad submissions, it is urged that the petition deserves to be allowed.

5. Status report and custody certificate have been filed by learned State counsel. It is argued that there are specific and serious allegations against the petitioner. Petitioner by hatching a conspiracy with the co-accused, had assaulted the complainant and victim Mahesh with an intention to kill them and had voluntarily caused simple as well as grievous injuries on the person of both of them. There are chances of the petitioner's absconding and intimidating the witnesses, if extended benefit of bail. Hence, it is stressed that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions made by learned counsel for the parties.

7. The petitioner is alleged to have formed membership of an unlawful assembly of the co-accused and in pursuance of the conspiracy, is

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alleged to have assaulted the complainant on the fateful day with an intent to cause his death. No specific injury has been attributed to him. Though the allegations make out a *prima facie* case for commission subject offences against the petitioner, however, he has been in custody for a period of more than 06 months and 16 days. Trial will take time to conclude. No fruitful purpose would be served by detaining the petitioner in custody anymore. It is also settled that pre-trial incarceration should not be a replica of post-conviction sentencing and that bail is the rule and jail is an exception. The object of jail is to secure appearance of the accused during trial, and it cannot be preventive or punitive. Taking into consideration the attendant facts and circumstances of the case, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same 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.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

9. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

27th March, 2026

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No