

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:050265



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CRM-M-7272-2026 (O&M)
Date of decision:01.04.2026

Neeraj @ Sapola

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kamal Chaudhary, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

...

Manisha Batra, J. (Oral).

1. The instant petition has been preferred by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “BNSS”) for grant of regular bail in case arising out of FIR No.201 dated 23.04.2025 registered under Sections 109(1), 115, 118(2) and 3(5) of the BNS (offence under Section 25 of the Arms Act was added lateron), at Police Station Sector-58, Faridabad.

2. As per the allegations, on the evening of 01.03.2025, the complainant - Neeru was standing outside her rented accommodation and was waiting for a water tanker, when the petitioner accompanied by co-

accused Amar Singh and Shiva and one person unknown to her, reached there and started asking about the whereabouts of her husband Sher Singh. The complainant asked him the reason for the same and then he started hurling abuses to her. On resistance of the complainant, he took out a knife from his waist and tried to struck a blow with the same in her abdomen. She lifted her left arm to ward off the blow but the knife hit her elbow. Co-accused Amar Singh also struck a blow with a stick. The petitioner struck another blow with a knife in her abdomen. She was also assaulted by co-accused Shiv and Amar Singh. On clamour being raised, the petitioner and co-accused fled away.

3. After registration of FIR, investigation proceedings were initiated. The petitioner, who was in custody in some other case, was joined into proceedings of this case on 07.05.2025 and was taken into custody.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted upon him. There is delay of 02 days in lodging of the FIR. Co-accused Amar Singh and Shiva have been extended benefit of bail. The allegations do not make out any *prima facie* case for commission of offence punishable under Section 109 of the BNS as against him. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. The

trial will obviously take considerable time to conclude. No useful purpose would be served by detaining him in custody anymore. Co-accused Amar Singh and Shiva have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. It is, therefore, argued that the petition deserves to be allowed.

5. Per contra, learned State counsel while relying upon the status report, has argued that the petitioner is a habitual offender being involved in six other cases, most of which are of similar nature. There are chances of his committing similar offences, if extended benefit of bail. The material witnesses are yet to be examined, and there are chances of his intimidating those witnesses. It is, therefore, argued that the petitioner does not deserve to be extended benefit of bail.

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

7. The petitioner in connivance with the co-accused is alleged to have opened an attack upon the victim and to have voluntarily caused injuries to her. The allegations against him are that he had caused injuries with a knife upon the person of the victim and as per the status report, one of those injuries has been opined to be dangerous to life. The allegations make out a prima facie case for commission of subject offences as against the

petitioner, however, he has been in custody since 07.05.2025. The trial will obviously take time to conclude since none out of 17 prosecution witnesses has been examined so far. As such, no fruitful purpose would be served by detaining him in custody anymore. It is well settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentencing. The object of the jail is to secure appearance of the accused during trial, and it cannot be preventive or punitive. Taking into consideration the nature of the allegations as levelled against the petitioner, the part attributed to him, on parity and the circumstances as peculiar to this case, this Court is of the considered opinion that the petitioner has made out a case for release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

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

9. It is, however, clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

10. Since the main petition has been allowed, pending application,

if any, is rendered infructuous.

01.04.2026

harjeet

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No