

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:050405



209

CRM-M-7223-2026 (O&M)
Date of decision:01.04.2026

Amit @ Sagar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Nikhil Vats, 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.154, dated 02.11.2025 registered under Sections 110, 115(2), 351(2) and 117(2) of the BNS, at Police Station Bond Kalan, District Charkhi Dadri.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by complainant – Ramesh, alleging that accused Shamsher was his real brother and a land dispute had been going on between them. On 30.05.2025, Shamsher along with his sons Sumit and Amit i.e. the present petitioner, had assaulted Ravinder and Jagbir, who had been admitted in hospital. When the complainant came to know about this fact, he

had gone to see the injured in the hospital and after meeting the injured, he sat near the gate of the hospital when the petitioner reached there and with an intent to kill him, struck a blow with a brick on his head. He had fallen down and became unconscious. On regaining the consciousness, he found himself to be admitted in PGIMS, Rohtak.

3. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 12.11.2025. He suffered disclosure statement admitting his involvement in the crime and recovered a cemented block used by him for inflicting injuries on the person of the victim. The CCTV footage of the crime spot had been obtained, which clearly showed the petitioner while hitting the victim on his head with a cemented block. The investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He has been in custody since 12.11.2025. He is not required for further investigation. The trial will take considerable time to conclude as no prosecution witness has been examined so far. His antecedents are clean. The injuries sustained by the victim have not been opined to be dangerous to life. No useful purpose would be served by detaining him in custody anymore. It is, therefore, argued that the petition deserves to be allowed.

5. Per contra, learned State counsel while relying upon the status report and custody certificate has argued that the allegations against the petitioner are serious in nature. The head injuries sustained by the victim had been opined to be grievous in nature. The material witnesses are yet to be examined. There are chances of his intimidating those witnesses and

committing similar offences. 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 is in custody since 12.11.2025. The allegations make out a *prima facie* case for commission of the subject offences against him. However, he has been in custody for a period of over 04 months and 20 days. The trial will obviously take time to conclude. There is no basis in the contention that the petitioner may intimidate the material witnesses or commit similar offences. 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 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