

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:002756



109+213

CRM-M-8596-2025 (O&M)
Date of decision:13.01.2026

Sharvan Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Shantanu Bansal, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

...

Manisha Batra, J. (Oral).

CRM-318-2026:

Prayer in the present application is for placing on record the testimony of the prosecution witness as Annexure A-1.

Application is allowed. The testimony of the prosecution witness is ordered to be taken on record as Annexure A-1.

Main case:

1. 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.532, dated 29.09.2023, registered under Sections 147, 148, 149, 323 and 506 IPC (Sections 302, 341 and 325 IPC were added lateron), at Police Station Faridabad Kotwali, District Faridabad.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by the complainant – Vipin Mehendiratta, alleging that on the night of 28.09.2023, his wife made a call to him and informed that their son Daksh Mehendiratta had been assaulted by 10-12 youths and had been taken to Escorts Fortis Hospital. Complainant reached there and met Yash, a friend of his son, who disclosed that the petitioner along with co-accused Cheenu, Harman, Shivam Madhukar and 7-8 other youths had assaulted the victim by giving blows with *dandas* and *lathis*. On hearing clamour, they had fled away from the spot after leaving the victim in an injured condition and while extending threats to kill him. Initially, a case under Sections 147, 148, 149, 323 and 506 IPC was registered. Investigation proceedings were initiated. Offence under Section 307 IPC was added later on. Petitioner was arrested on 30.09.2023. He suffered disclosure statement admitting his involvement in the crime and got recovered a cricket bat used by him for assaulting the victim. Victim succumbed to the injuries on 07.10.2023. Remaining accused were subsequently arrested. Investigation now stands completed and the petitioner along with co-accused is facing trial for commission of the aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody for a period of over 02 years, 03 months and 13 days. The trial would take considerable time to conclude since 11 out of 25 witnesses have been examined so far. The complainant as well as his wife were not the eye witnesses to the occurrence and their statements are based on hearsay evidence. The only eye witness Yash had been examined before the learned trial Court as PW1 and has not

implicated the petitioner as one of the assailants. His further incarceration would not serve any useful purpose. Co- accused Madhukar, Manik @ Manu, Nitikesh @ Lala and Ritik @ Gandhi have been extended benefit of bail. On parity, he too deserves to be extended the benefit of bail. It is, therefore, urged that the petition deserves to be allowed.

4. Status report and custody certificate have been filed. It is argued by learned State counsel that taking into consideration the fact that the petitioner was named in the FIR, the part attributed to him and gravity of allegations as levelled against him, he does not deserve to be extended the benefit of bail.

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

6. The petitioner along with co-accused is alleged to have formed membership of an unlawful assembly and in prosecution of common object thereof, is alleged to have assaulted the victim, resulting into his death. He is in custody since 30.09.2023. PW1 Yash, who was the only eye witness to the occurrence, has since been examined and has not implicated the petitioner or any other accused in commission of the subject offence. The co-accused against whom, similar allegations have been levelled, have been extended benefit of bail. The trial is obviously take considerable time to conclude. It is well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. Since the trial of this

case, apparently and evidently is shown to have been delayed, as such, this Court is of the considered opinion that no fruitful purpose would be served by keeping the petitioner in custody any more. It is also well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the above discussed facts and circumstances, this 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/Duty Magistrate/CJM concerned.

7. It is 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.

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

13.01.2026

harjeet

**(MANISHA BATRA)
JUDGE**

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