



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

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CRM-M-9283-2026 (O&M)

Date of decision : 17.04.2026

Pardip Kumar

..... Petitioner

VERSUS

Yug @Ashu & Ors.

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Ishan Khetarpal, Advocate for the petitioner.

Mr. Vikram Singh, AAG Haryana.

SURYA PARTAP SINGH, J.

This petition under Section 483(3) of Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as 'BNSS', has been filed by the petitioner for setting aside the order dated 30.12.2025, hereinafter being referred to as 'impugned order', passed by the Court of learned Additional Sessions Judge Kaithal.

2. By virtue of impugned order, the bail application filed by the respondents No.1 and 2 has been allowed and both the respondents No.1 and 2 have been accorded the benefit of bail.

3. The present petition has been filed by the petitioner with regard to the case pertaining to FIR No.274 dated 13.07.2025, under Sections 109(1), 115, 118(1), 190, 191(3), 351(3), 61 of Bharatiya Nyaya Sanhita, 2023, hereinafter being referred to as 'BNS'. According to petitioner, the



abovementioned FIR has been lodged on his statement, wherein he stated that his family was having old enmity with Yug, Sunil Dutt, Anil Kumar and Vikas Kumar etc., and that on earlier occasion also, the above-named persons had opened an assault upon him with an intention to kill, for which the FIR No.274/2025 and FIR No.332/2025 were lodged.

4. According to petitioner, on 14.09.2025 between 05:00-07:00 pm, when he along with his friend Pawan, was going home, near poultry farm, one Scorpio vehicle came and 7-9 persons armed with sticks, choppers (gandasi) and firearm (revolver) alighted from the car, launched an attack upon him and inflicted injuries on his person.

5. It is the case of the prosecution that in view of abovementioned statement, formal FIR of this case was lodged and the investigation taken up. According to prosecution, during the course of investigation, the respondents No.1 and 2 were arrested on 18.11.2025 and 19.11.2025, respectively. The respondents No.1 and 2 thereafter approached the Court of learned Additional Sessions Judge for the benefit of bail and the abovementioned benefit was accorded to them vide impugned order.

6. Aggrieved of the abovementioned impugned order, this petition has been preferred by the petitioner on the ground that the learned trial Court has committed an error of judgment while allowing the application for bail filed by the respondents No.1 and 2, and therefore, there is need for setting aside of impugned order.

7. Heard.



8. It has been contended by learned counsel for the petitioner that the learned Additional Sessions Judge by virtue of impugned order allowed the application for bail moved by the respondents No.1 and 2, without looking into the fact that there was a history of repeated assaults upon the petitioner and his family members, by the respondents No.1 and 2. As per learned counsel for the petitioner, since the respondents No.1 and 2, who were already on bail in two different cases of assault, had launched third attack upon the petitioner, it amounted to misuse of benefit of bail. As per learned counsel for the petitioner, in such a situation, the benefit of bail should have been denied to the respondents No.1 and 2.

9. The learned State Counsel has not controverted the abovementioned arguments.

10. The record has been perused carefully.

11. A perusal of record shows that the learned Additional Sessions Judge while granting the benefit of bail to the respondents No.1 and 2 observed as under:-

“The facts of the case reveal that both the petitioners namely Yug and Rohit were not present at the spot at the time of the alleged occurrence. They are stated to be the conspirators behind the attack upon the complainant. It is a matter of evidence to come to a conclusion as to whether the petitioners were actually involved in the attack upon the complainant in any manner. Mere registration of some other cases against the petitioners is no ground to deny bail to them in the present case as each and every case is to be decided on its own merits on the basis of disclosed facts. The main assailants are still to be arrested. As per the report of the doctor dated 17.12.2025, a



copy of which has been placed on record during arguments, the injuries mentioned in the MLR of the complainant are shown as "not dangerous to life".

The trial is likely to take a considerable time to conclude and no useful purpose would be served by keeping the petitioners-accused further in custody. Without commenting anything on the merits of the case, petitioners-accused are admitted to regular bail on their furnishing bail bonds in the sum of Rs.50,000/- each with one surety each in the like amount to the satisfaction of the Illaqa/Duty Magistrate. File be consigned to the record room."

12. A bare perusal of abovementioned order shows that the basic foundation of the impugned order was that as per contents of FIR, both the respondents No.1 and 2 were not present at the spot at the time of occurrence.

13. With regard to abovementioned observations, it is relevant to mention here that as per contents of FIR, which was lodged on the basis of statement suffered by petitioner, the respondents No.1 and 2 were having old enmity with the petitioner and his family, and they had assaulted the family members of the petitioner on earlier occasion also. The abovementioned background shows that the respondents No.1 and 2 were already known to the petitioner.

14. In the light of abovementioned facts, if the contents of FIR are analyzed, it transpires that in the FIR, there was no allegation against the respondents No.1 and 2 that any of them was present on the spot at the time of assault. The only allegation against the respondents No.1 and 2 is that



they had orchestrated the attack with the help of some outsiders. In the abovementioned fact situation, it is hereby held that the absence of respondents No.1 and 2 on the spot at the time of occurrence was an admitted fact.

15. It is also relevant to mention here that as per status report submitted by the police, although there was medical opinion to the effect that the injury suffered by the petitioner was grievous in nature, yet there was no evidence to show that any injury was declared to be dangerous to life. Thus, as per situation prevailing as on today, there is a question mark as to whether Section 307 of IPC can be invoked in the present case or not.

16. Be that as it may, since the learned Additional Sessions Judge in the exercise of its jurisdiction has given the benefit of bail to the respondents No.1 and 2, and there is no specific allegation qua the fact that the abovementioned concession of bail has been misused by the respondents No.1 and 2, in any manner, whatsoever, it is hereby observed that the present petition with regard to setting aside the impugned order is devoid of merit and deserves dismissal. The same is hereby *dismissed*, accordingly.

17. Pending miscellaneous application(s), if any, shall stand disposed of.

(SURYA PARTAP SINGH)
JUDGE

17.04.2026
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No