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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

245

CRM-M-10105 of 2026
Date of Decision: 12.03.2026

Satya Prakash

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Tapan Kumar, Advocate
for the petitioner.

Ms. Shaveta Sanghi, DAG, Haryana.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.119 dated 31.08.2025 registered under Sections 115(2), 117(2), 117(3), 126 and 351(3) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Sadar Kanina, District Mahendergarh.
2. Brief facts of the present case are that the petitioner brutally assaulted the complainant and caused injuries to him, due to some altercation between them. Hence, the present FIR.
3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he has no concern with the alleged offence. He argued that the alleged occurrence took place on 21.08.2025 but the FIR in question was registered on



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31.08.2025 i.e. after an unexplained delay of 10 days, casting serious doubt on the prosecution story. He argued that the prosecution has concealed material facts from the Court, specifically that the complainant himself was under the influence of liquor. Due to his intoxication, he had fallen and sustained injuries of his own, a fact is also supported by the MLR of the complainant (Annexure P-2). He argued that if the contents of the FIR are taken to be true, even then no specific injury has been attributed to the present petitioner. He further argued that Section 117(2) of BNS has been added, only to make the offence graver. Moreover, the petitioner has clean antecedents as he is not involved in any other case. The petitioner is in custody since 01.09.2025. The investigation in the case is complete, challan stands presented and charges have also been framed. He further submitted that there are total 15 prosecution witnesses but none has been examined till date and as such, the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has already filed the custody certificate of the petitioner and status report in the matter, which are taken on record and while referring to the status report, she has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. She argued that the petitioner was specifically named in the FIR and as such, he has actively participated in the crime. However, she has not controverted the fact that the petitioner is a first time offender as he is not involved in any other case.



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5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 06 months; he has clean antecedents; investigation is complete; challan stands presented; charges framed; out of 15 witnesses, none has been examined till date; the complicity of the petitioner is a matter of trial, which is proceeding at snail's pace and will take a long time to conclude. Thus, no useful purpose would be served by detaining him in further custody. His continued detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

6. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".

7. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

12.03.2026

D.Bansal

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