



3. Learned counsel for the petitioner contended that in the present case, the complainant and the injured witnesses have already been examined; learned counsel placed on record the certified copies of testimonies of the aforesaid witnesses and stated that they have not supported the case of the prosecution; petitioner is in custody since 09.08.2025 i.e. for the last more than 08 months and 19 days; petitioner is having clean and clear antecedents and is not involved in any other criminal activity, except the present one; a compromise has already been effected between the parties; the trial will take sufficient time to conclude; no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period. As such, learned counsel prayed for grant of regular bail to the petitioner.

4. Learned State counsel placed on record the custody certificate of the petitioner, which is taken on record. He opposed the prayer made by the petitioner by submitting that the petitioner was armed with *danda* and gave *danda* blows to the complainant and his friends; injured and the complainant did not support the case of the prosecution as a compromise has been effected between the parties, hence, the petitioner does not deserve the concession of bail and prayed for dismissal of the present petition.

5. Heard.

6. Keeping in view the facts and circumstances of the present case and the contentions raised by learned counsel for the parties, this Court finds merit in the present petition on the following aspects :

- i. The complainant and the injured witnesses have already been examined and did not support the case of the prosecution and certified copies of their testimonies have also been placed on record.



- ii. Petitioner is in custody since 09.08.2025 i.e. for the last more than 08 months and 19 days.
- iii. He is having clean and clear antecedents and is not involved in any other criminal activity, except the present one.
- iv. A compromise has already been effected between the parties.
- v. Trial will take sufficient time to conclude.
- vi. No fruitful purpose would be served by keeping the petitioner in custody for any further period, as concession of bail cannot be denied just as a measure of punishment as culpability of accused is to be decided after appreciating evidence adduced by both the parties and
- vii. It is a trite principle of criminal jurisprudence that bail is rule, jail is an exception.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

April 29, 2026
manisha

(SUBHAS MEHLA)
JUDGE

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|------|---------------------------|--------|
| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |