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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

235

CRM-M-18094-2026

Date of decision: 9th April, 2026

Aashi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Arvinder Arora, Advocate for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

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. 309 dated 27.09.2025 registered under Sections 110, 115, 118(2), 190, 191(3) and 351(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Naraingarh, District Ambala.

2. The aforementioned FIR was registered on the basis of statement got recorded by the complainant Vishal alleging therein that on the evening of 26.09.2025, he was present at Krishna Market along with his Fiends Harsh and Manish, when the present petitioner accompanied by the co-accused and by forming an unlawful assembly with them, opened an assault upon him. The accused Munir Singh struck a blow with an iron axe on his head. Accused Jainish struck a blow with an iron pipe on his right leg, whereas the petitioner

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struck a blow with an iron pipe on his left leg. The other accused also caused injuries to him. His friends rushed for his rescue but they too sustained injuries at the hands of the assailants and then they fled away. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 15.10.2025. Co-accused were also arrested. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. The co-accused Munir Singh has been extended benefit of bail. On parity, he too deserves to be extended the same benefit. The trial will take considerable time to conclude. He has clean antecedents. No useful purpose would be served by detaining him in custody anymore. It is, therefore, argued that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel who has advance notice of the petition, is ready to argue the matter. While relying upon the custody certificate, it is argued by him that the allegations against the petitioner are serious in nature. He along with the co-accused had voluntarily caused simple as well as grievous injuries on the person of the complainant and one of his friends. The material witnesses are yet to be examined. There are chances of petitioner's intimidating those witnesses, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned

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counsel for both the parties at considerable length.

7. The petitioner by forming membership of an unlawful assembly with the co-accused is alleged to have voluntarily caused injuries on the person of the complainant and his two friends. The injury that has been attributed to the petitioner has been opined to be grievous in nature. The allegations *prima facie* make out a case for commission of the subject offences as against the petitioner. However, he is in custody since 15.10.2025. He is not required for further investigation. The trial is yet to commence and obviously it will take considerable time to conclude. As such no fruitful purpose would be served by continued detention of the petitioner. It is well settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentence and that bail is the rule and jail is an exception. The object of the jail is to secure appearance of the accused during trial, and it cannot be preventive or punitive. In view of the discussion as made above and on parity, this Court is of the opinion that a case is made out for grant of bail to the petitioner at this stage. 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.

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9. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

9th April, 2026
Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |