

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CRM-M-18453-2026

Date of decision: 27th April, 2026

Rahul @ Tota and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Parminder Singh, Advocate for the petitioners.

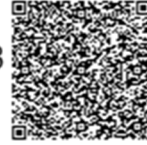
Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

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 petitioners seeking grant of regular bail in case bearing FIR No. 753 dated 11.12.2025 registered under Sections 115, 118(1), 126, 351(2), 118(2), 3(5) and 238 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Gharaunda, District Karnal.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by the complainant Satpal, alleging therein that on the evening of 09.12.2025, the petitioners accompanied by the co-accused and by forming an unlawful assembly had intercepted his son Harsh by stopping his motor bike and opened an assault upon him. They had caused injuries to him with *gandasis* and iron rods and then fled from the spot. After registration of

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FIR, investigation proceedings were initiated. The petitioners were arrested on 02.01.2026. Investigation qua them now stands completed.

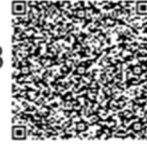
3. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. Some other persons named as accused have been found to be innocent during investigation. The case of petitioners is at parity with those persons. There is delay of 02 days in lodging of the FIR. No specific injury has been attributed to them. The trial will take considerable time to conclude. They are not required for further investigation. The subject offences are triable by Magistrate. No useful purpose would be served by detaining them in custody. The injuries which have been opined to be grievous in nature, have not been attributed to them but to the co-accused Gaurav. It is, hence, urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. It is argued by him that keeping in view the gravity of the allegations as levelled against the petitioners, they do not deserve to be released on bail. There are chances of their absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

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

6. The petitioners are alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, are further alleged to have caused simple as well as grievous injuries to the complainant. The injuries which have been opined to be grievous in

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nature have not been attributed to them but to the co-accused. Investigation stands concluded. The trial will take considerable time to conclude. No useful purpose would be served if the petitioners are kept in custody anymore. 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 jail is to secure the appearance of the accused during the trial and it can neither be punitive nor preventive and the deprivation of liberty has been considered as a punishment. Taking into consideration the nature of the subject offences, the period spent by the petitioners in custody and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioners are ordered to be released on bail subject to their furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

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

[MANISHA BATRA]
JUDGE

27th April, 2026

Parveen Sharma

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