

2026:PHHC:059132



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

216

**CRM-M-19664-2026 (O&M)
Date of decision: 20.04.2026**

MAHENDER

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Najar Singh, Advocate with
Mr. Navmohit Singh, Advocate for the petitioner.

Mr. Paras Talwar, Senior DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

CRM-15581-2026

Application is allowed as prayed for.

CRM-M-19664-2026

The instant petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail in case bearing FIR No. 261 dated 21.07.2025, registered under Section(s) 103(1), 115, 190, 191(2), 351(2) of BNS, 2023 (Section 238 BNS added later on) at Police Station Dabua, District Faridabad.

2. The present FIR came to be registered on the statement of Mohit

Phagana, son of Satpal Phagana, resident of Village Bhakri, Post Pali, Police Station Pali, District Faridabad, who alleged that during the intervening night, at about 1:30 a.m., he received a call and the caller introduced himself as Sonu and informed him that his brother Deepak had been involved in a quarrel. Acting on the said information, the complainant proceeded in search of his brother but was unable to locate him and eventually returned home. It is further alleged that the complainant again received a call from the same number, reiterating that his brother Deepak had been involved in a fight and required assistance. The caller came near the complainant's house, whereafter the complainant accompanied him and that upon reaching the spot, he encountered several persons, including Mahender, his wife, their sons Devender and Rahul as well as Sonu, Rohit @ Tola, Hoshiyar, Anni @ Anil, Rishi, Ishwar, Chaman and certain other family members and unidentified persons. When the complainant inquired about the whereabouts of his brother, the said persons attempted to assault him, compelling him to flee from the spot to save his life. It is further stated that the complainant again received a call from the same number asking him to come to the house of Mahender; however, out of fear, he did not venture out. Thereafter, at about 6:30 p.m., the complainant's elder brother Naveen received a call from another number, with the caller informing him that he was calling from Police Chowki, Pali. Upon reaching the police station, the complainant came to know that his brother Deepak had died and that his body had been kept in the mortuary at B.K. Hospital. The complainant alleged that death of Deepak had occurred as a result of the assault inflicted upon him by the aforementioned persons. Hence the present FIR.

3. Learned Counsel appearing on behalf of the petitioner contends that the house of the petitioner is situated adjacent to the place of occurrence and that the petitioner has been nominated as an accused solely on the basis of his presence being captured in CCTV footage, without any specific role or injury being attributed to him. He further contends that as a matter of fact, as per the CCTV footage relied upon by the prosecution, the initial incident arose out of a minor scuffle triggered by the deceased colliding with a motorcycle, whereafter the deceased is seen leaving the spot. It is submitted that the police were called to the spot and made efforts to trace the deceased, however, he could not be located at that time. Learned counsel submits that the deceased subsequently returned to the same place and indulged in misconduct and abusive behaviour, which led to a second altercation. It is contended that the medical record reflects that the deceased had sustained multiple injuries, including 22 lacerated wounds along with certain abrasions. However, it is argued that the CCTV footage, prima facie, suggests that the deceased was in an inebriated condition and that the injuries sustained by him were a consequence of his own conduct. The essential ingredients necessary for commission of an offence under Section 103 would thus be materially absent in the present case. He further submits that the petitioner has been in custody since 23.07.2025 and has no criminal antecedents. It is submitted that although as many as 33 witnesses have been cited by the prosecution, none have been examined thus far, indicating that the trial is likely to take considerable time to conclude.

4. Learned State Counsel does not dispute the aforesaid facts.

5. I have heard learned counsel appearing on behalf of the respective parties.

6. Without expressing any opinion on the merits of the case and having regard to the age of the petitioner (about 55 years), the period of custody already undergone, the stage of the trial, his clean antecedents as well as the arguable issues arising with respect to the fulfilment of the essential ingredients of the offences alleged against him, I deem it appropriate to enlarge the petitioner on regular bail to the satisfaction of the trial Court.

7. The instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

APRIL 20, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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