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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.21730 of 2026

Sandeep Kumar @ Sanju ... Petitioner

Versus

State of Haryana ... Respondent

1.	The date when the judgment is reserved	19.05.2026
2.	The date when the judgment is pronounced	21.05.2026
3.	The date when the judgment is uploaded on the website	21.05.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under
Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short

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“BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
425	18.10.2024	Pundri, District Kaithal	190, 191(3), 115(2), 118(1), 117(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) (109 of BNS added later on)

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a written complaint submitted by the complainant Virender Singh alleging therein that a dispute qua partition of a bara was going on between his grandfather Harikesh and his brothers. In a civil litigation, partition of that property had been ordered and the possession was delivered as per the terms of the partition. Since during the pendency of the litigation, Suresha son of Dyala had raised construction over some portion of land having fallen to the share of his grandfather, hence a prayer was made for delivery of possession before the Civil Court and orders had been passed in favour of grandfather of the complainant and the said possession had been delivered. He alleged that building material including some bricks was lying on the abovesaid property. In the morning of 18.10.2024, his family members had started cleaning that piece of land. At about 4 PM, the petitioner accompanied by the co-accused and by forming an unlawful assembly reached at the said property. All of them were armed with weapons and opened an assault upon the complainant and his family members. Maina Devi, Randhir, Virender,

Joginder, Tinku, Shakuntla and Dev had sustained injuries. They were taken

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to hospital. On his complaint, initially a case under Sections 115, 118(1), 190, 191(3) and 351(3) of BNS was registered. Investigation proceedings were initiated. During investigation, the victims were medically examined. One of the injuries found on the person of Maina Devi was opined to be dangerous to life. Offence under Section 109 of BNS was added. The petitioner was arrested on 02.05.2025. On interrogation, he suffered disclosure statement admitting his involvement in the crime and got recovered gandas used by him at the time of commission of subject offence. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. It is a case of version and cross version as a cross FIR bearing No.446 dated 25.10.2024 had been registered against the members of the complainant party. He is in custody since long. He is not required for further investigation. The trial will take considerable time to conclude. The medical opinion is quite vague and indefinite and does not prove that the injury as sustained by the victim Maina Devi was dangerous to life. Five members of his group had sustained injuries in the same incident. His further incarceration would not serve any useful purpose. His antecedents are clean. It is, thus, argued that the petition deserves to be allowed.

4. Status report and custody certificate have been filed. Learned State counsel has vehemently argued that taking into consideration the gravity of the allegations as levelled against the petitioner, he does not

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deserve to be extended benefit of bail.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object thereof, is further alleged to have caused injuries to the members of the complainant party. As per the allegations, he was armed with a gandasi and had struck a blow with the same on the head of Maina Devi. The injury so sustained by her has been opined to be dangerous to life. The allegations make out a prima facie case for commission of subject offences as against the petitioner. However, he has been in custody for over a period of one year now. There are no chances of conclusion of trial in near future as no prosecution witness has been examined so far. It is a case of version and cross version. It is only on thorough assessment of the evidence to be produced during trial that any inference as to the fact that as to who was the aggressor in this case has to be drawn. Three of the co-accused have been extended benefit of bail. The continued detention of the petitioner would not serve any fruitful purpose. The well settled proposition of law is that pre trial incarceration of an accused should not be a replica of post conviction sentencing. The detention prior to trial should not become punitive. Taking into consideration the above discussed facts, it is observed that the petition deserves to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate

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concerned.

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

21.05.2026
manju

(MANISHA BATRA)
JUDGE

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