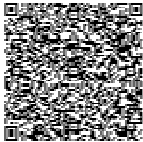


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2026:PHHC:069253



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-22109-2026

Mithun and another
....Petitioners
Versus
State of Haryana
...Respondent

Date of Decision: May 05, 2026
Date of Uploading: May 05, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Vinod Bhardwaj, Advocate for the petitioners.
Ms. Priyanka Sadar Thakur, Senior DAG Haryana.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the BNSS seeking grant of regular bail to the petitioners, in case bearing FIR No.155 dated 16.09.2025, registered for the offences punishable under Sections 109(1), 115, 190, 191(3) of the BNS, 2023, at Police Station Titram, District Kaithal.

2. The gravamen of the FIR in question is that the complainant, namely, Ram Kishan stated that his nephew, Kulmeet, was going towards the village pond to bring their buffaloes. During this time, one of the buffaloes strayed towards the house of Ankesh (*petitioner No.2 herein*). On this, Ankesh (*petitioner No.2 herein*) started abusing and assaulting Kulmeet. The complainant intervened to rescue his nephew. However, Ankesh (*petitioner No.2 herein*) and Mithun (*petitioner No.1 herein*), along with 8–10 other unidentified persons, attacked the complainant. Ankesh (*petitioner No.2 herein*), with an intention to kill, inflicted a *gandasi* blow on the complainant’s head, causing him to fall to the ground. Mithun (*petitioner No.1 herein*) also

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struck the complainant with a *gandasi* on the left side of his head. The remaining assailants then assaulted him with fist and kick blows, as a result of which he became unconscious.

3. Learned counsel for the petitioners has submitted that petitioner No.1 was arrested on 17.09.2025, *whereas*, petitioner No.2 was arrested on 18.09.2025 and they are in continuous custody since then. Learned counsel has further argued that the petitioners have been falsely implicated into the FIR in question. Learned counsel has urged that offence under Section 109(1) of the BNS, 2023 (erstwhile Section 307 of IPC) is not made out against the petitioners. Learned counsel has further urged that fight in question was at the instance of the injured/ complainant – side and the petitioners were merely defending themselves. Learned counsel has also urged that petitioner No.1 is a man aged 29 years and petitioner No.2 is a man aged 25 years and are men with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that allegations raised against the petitioners are serious in nature and, thus, the petitioners do not deserve the concession of the regular bail. Learned State counsel also seeks to place on record the custody certificates dated 02.05.2026, in the Court today, which are taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. Petitioner No.1 was arrested on 17.09.2025, *whereas*, petitioner No.2 was arrested on 18.09.2025, whereinafter, the investigation was carried out and the challan *qua* petitioners has been presented on 09.12.2025. Total 17 cited prosecution witnesses have been cited, but none has been examined till date. It is, thus, indubitable that culmination of trial will take long time. It is

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further not in dispute that injured stands discharged after medical treatment long ago. The rival contentions raised at Bar give rise to debatable issues, which shall essentially be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificates dated 02.05.2026 filed by learned State counsel, the petitioners have already suffered incarceration for a period of 07 months and 13 days, & are not shown to be involved in any other FIR(s).

Suffice to say, further detention of the petitioners as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioners are ordered to be released on regular bail, if not required in any other case, on their furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioners shall remain bound by the following conditions:

- (i) The petitioners shall not mis-use the liberty granted.
- (ii) The petitioners shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioners shall not absent themselves on any date before the trial.
- (iv) The petitioners shall not commit any offence while on bail.
- (v) The petitioners shall deposit their passport, if any, with the trial Court.
- (vi) The petitioners shall give their cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change their cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioners shall not in any manner try to delay the trial.

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8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioners.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

May 05, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No