

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

213

CRM-M-23647-2026

Date of decision: 26<sup>th</sup> May, 2026

Upender @ Sahil

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Robin Singh Hooda, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

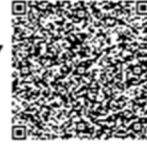
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**MANISHA BATRA, J (ORAL):-**

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. 657 dated 26.12.2025 registered under Sections 109(1), 115, 190, 191(2), 191(3) and 351(3) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 25 of Arms Act, 1959 (Sections 304(2) and 61(2) of BNS added later on) at Police Station Bhiwani Sadar, District Bhiwani.

2. The aforementioned FIR was registered on the basis of the statement recorded by the complainant Ajay alleging that on the night of 25.12.2025, he was repairing his tractor in front of his house when one car started passing through the lane repeatedly. Water lying on the road was

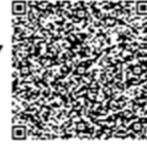
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getting splashed on him. The complainant stopped the driver of the car and told him to drive it slowly. A verbal altercation took place between him and the occupants of the car and then they had left. In the morning of 26.12.2025, accused Satish, who was the owner of that car, called him on the phone and asked him the reason for stopping his car. He also told him to come out. He apprised his uncle Inder Singh about this fact, who talked with Satish and settled the matter. On the same day at about 12:15 PM, he was sitting outside his house along with his son, when the petitioner along with co-accused Nasib reached there and started beating him. Thereafter, accused Satish accompanied by co-accused Pawan, Deepak, Jai Singh, and 5-6 more persons unknown to him, also reached there and opened an assault upon him. They threw a brick at his head due to which he fell on the street. Then, he struck another blow with a brick on his head. On hearing the noise, his cousin brother Ajay @ Monu had reached there and fired a shot with his pistol. Thereafter, all the assailants caught hold of him and extended beatings to him. A shot was also fired at Ajay @ Monu and then the accused fled away. Complainant and Ajay @ Monu were taken to the hospital.

3. After registration of the FIR, investigation proceedings were initiated. On statement recorded by the petitioner on 28.12.2025, a cross case bearing registration No. 659 was registered against the group of the complainant on 28.12.2025. The petitioner along with some other accused was arrested on 28.12.2025. He suffered disclosure statement admitting his involvement in the crime. Offence under Sections 304(2) of BNS was added.

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Investigation qua the petitioner now stands completed.

4. It is argued by learned counsel for the petitioner he has been falsely implicated in the case. It is a case of version and cross-version. On the complaint of petitioner, FIR No. 659 has been registered against the members of the complainant party. The petitioner was not the aggressor. He has been in custody since long. He is not required for further investigation. The trial will take considerable time to conclude. With the intervention of respectable members of their society, a compromise has been effected between both the parties on 03.04.2026 and the same has been reduced into writing. Further incarceration of the petitioner will not serve any useful purpose. A petition for quashing of FIR by way of compromise has also been filed and is pending. It is, thus, argued that they deserve to be released on bail.

5. *Per contra*, learned State counsel has argued that taking into consideration the gravity of the allegations levelled against the petitioner, he does not deserve to be extended the benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

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

7. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of the common object thereof, is further alleged to have voluntarily caused injuries to the complainants and Ajay @ Monu. The allegations make out a prima facie case for commission of subject offences against the petitioner. At this stage, no

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relevance can be given to the factum of any compromise having been arrived at between the parties. However, the petitioner is in custody since 28.12.2025. Investigation qua him stands concluded. Obviously, the trial will take considerable time to conclude as none out of 26 prosecution witnesses has been examined so far. As such, continued detention of the petitioner will not serve any fruitful purpose. It is well settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentencing 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 above discussed facts, this Court is of the considered opinion that the petitioner has made out a case for his release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

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

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

[MANISHA BATRA]  
JUDGE

26<sup>th</sup> May, 2026

Parveen Sharma

- 1. Whether speaking/ reasoned
- 2. Whether reportable

: Yes / No  
: Yes / No