



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

256

CRM-M-25639-2026

Date of decision :12.05.2026

Date of uploading :12.05.2026

SARVESH

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Santosh Kr. Tripathi, Advocate for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.0376 dated 04.12.2025 under Sections 351(2)/3(5)/126/115/110 of BNS and Sections 115(2)/126(2)/351(3)/117(2)/109(1) of BNS were added and Sections 351(2) and 110 of BNS were deleted later on, registered at Police Station Sector 5, Gurgaon, District Gurugram.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“To The SHO Sahib, SEC-5, Gurgaon, Sir, I request that I am Lokesh Goyal, son of Harikishan Goyal, resident of house no. 237/20, Sheetla Colony, Block E, Street no. 18, Gurugram. I have 3 children. 2 girls, 1 boy and I drive an E-rickshaw. On 01/12/25, around 12:00 PM, I was at home with my family. My neighbor Sarvesh works as a catering. He came with my neighbor's lever catering material in his canter HR55AK2042, which



was outside our scooter gate. When I asked him to remove it, Sarvesh came and started abusing us and started threatening us. My son was standing with me, Sarvesh started beating us. At our house, my son Tushar's friend Somnath, son of Sachinand, was mediating the fight. Sarvesh and his 2-3 laborers hit Somnath on his head with an iron pipe and at my house Sarvesh hit him with a spade, Somnath became unconscious after getting the injury, seeing the incident a huge crowd gathered in front of our house, people intervened and after that (Mobile 98155-60801. My family members had called the police on 112, the police reached the spot and admitted us to the government hospital Gurugram. Sarvesh and 2-3 people from his level quarreled with us and injured my son Tushar and my son's friend Somnath and me and threatened to kill me and my family. We and Somnath's family members have admitted Somnath in AIIMS hospital Delhi. He is still not conscious. Strict action should be taken against Sarvesh and 2-3 people from his level and an. F.LR should be registered. Sarvesh and his level had also blocked our way and did not let us go from there. Name Lokesh-9582767320, 9654619062 Action Police I, HC was present at the police station as JIDO on 01.12.2025, that information was received through ERV, that a fight has taken place in E Block Gali No. 18 Sheetla Colony, who are taking the victims Somnath and Lokesh to Civil Hospital Sector 10 for treatment, on receiving the information, I, HC reached the spot for taking action, where a detailed inspection was done, where CCTV footage was not found in working condition nor any physical evidence was found which could be taken into possession, I, HC did not receive any MLC/RUKKA from the hospital regarding the above fight. On 2.12.2025, Lokesh produced the victim Somnath son of Sachchinand resident of Sheetla Colony Gurugram age 16 years MLR NO M106003482504423 and the victim himself Lokesh son of Harikishan resident of Sheetla Colony Gurugram age 48 years MLR NO M 106003482504425 DT 01.12.2025 was presented to the HC, in connection with which on 03.12.2025, an application was presented to Dr. Sneha MO GH Gurugram for advice regarding the treatment of victim Lokesh and Somnath, which Dr. Saheb marked as PT NOT ADMITTED IN HOSPITAL. On 04.12.2025, HC received information that the above mentioned victim Somnath was admitted to AIIMS Delhi for his treatment, which reached HC Delhi where a copy of MLC NO 500524707/2.12.2025 DT 04.12.2025 was obtained. Victim Somnath presented a written application to Dr. Saheb for taking the above mentioned statement, which Dr. Chirag marked as NOT FIT FOR STATEMENT, on enquiry, Dr. Saheb told that there is a head injury and head operation has been done,



on the basis of the substance of the complaint and spot inspection and verification, the crime is found to be under sections 110, 115 (2), 126 (2), 351 (2), 3 (5) BNS, on getting the FIR registered, Singh Chandrahans 4452/GGM is being sent to the police station, after registering the case, inform with the case number. The High Court accompanied the complainant and proceeded to the scene of the incident. Location: AIMS Delhi, SD-HC Sonu 392/GGM, Police Station Sector 5. Gurugram, dated 04.12.2025, today, on receipt of the above complaint at the police station, it was found that the crime under sections 110, 115(2), 126(2), 351(2), 3(5) BNS had been committed, hence, the charge was registered under the above mentioned sections and after preparing the printed copies through computer, the special report of the charge is being sent to High Officers or the area magistrate through email. And after hearing the incoming case, case no. Chandrahans 4452/GGM was registered and the charge no. HC Sonu 392/GGM was sent. (After hearing the above mentioned case, the cheque was registered in the presence of ASI Satish 188/GGM, in which the investigating officer is HC Sonu 392/GGM.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 04.02.2026. Learned counsel has further argued that Section 109 of the BNS (erstwhile Section 307 of the IPC) is not made out. Learned counsel has further submitted that, *assuming arguendo* the prosecution version is taken to be correct, the fight in question took place on the spur of the moment. Learned counsel has further contended that the petitioner is a man aged about 35 years and the sole breadwinner of his family. Learned counsel has further urged that the petitioner has clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 11.05.2026 in Court, which is taken on record.



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

6. The petitioner was arrested on 04.02.2026 wherein after investigation was carried out and challan stands presented on 26.04.2026. Total 19 prosecution witnesses have been cited and it is the conceded case before this Court that charges are yet to be framed. It is also not in dispute before this Court that the injured, upon receiving medical treatment, stands discharged. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel give rise to debatable issues which shall 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 certificate dated 11.05.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 3 months and 8 days & is not shown to be involved in any other case.

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

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his 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 petitioner shall remain bound by the following conditions:-



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

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 petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

12.05.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No