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2026:PHHC:077280



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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Jatin @ Jeetu
.....Petitioner
Versus
State of Haryana
...Respondent

Date of Decision: May 18, 2026
Date of Uploading: May 18, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL
Present:- Mr. Saurabh Chobey, Advocate for the petitioner.
Mr. Gurmeet Singh, AAG Haryana.
Mr. Shivam Gupta, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the BNSS seeking grant of regular bail to the petitioner, in case bearing FIR No.161 dated 24.04.2025, registered for the offences punishable under Sections 109(1), 190, 191(3), 115(2), 117(2), 351(3), 324(4) of the BNS, 2023 (Section 304 of BNS deleted later on), at Station City Narnaul, District Mahendergarh.

2. The gravamen of the FIR in question is that on 23.04.2025, complainant/injured Manoj Kumar submitted a complaint before the police alleging that on 16.04.2025 at about 10:00 PM, he, along with Nitin, Sandeep, and Gajraj, was returning home from the fields. In the meantime, Rajat, Kamal, Chiku, Jitender @ Jeetu (*petitioner herein*), Uttam, Mohit @ Daku, Mohit @ Chiken, Lucky, Jitesh @ Sampy, along with 2-3 other boys, arrived on

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motorcycles armed with iron rods, iron pipes, motorcycle chains, *lathis*, and *dandas*, and attacked him. It was alleged that Rajat inflicted iron rod blows on his head and right leg; Kamal gave a weapon blow on his left leg and back; Chiku struck him on the back with an iron rod; Jitender @ Jeetu (*petitioner herein*) inflicted an iron pipe blow on his left hand; Uttam also gave an iron pipe blow on his left hand; Mohit @ Chiken struck him with an iron chain on his right thigh; Mohit @ Daku hit him on the back with an iron rod; while Lucky and Jitesh @ Sampy assaulted him with *lathis* and *dandas*. Upon hearing his cries for help, his companions reached the spot, whereupon all the assailants fled away.

3. Learned counsel for the petitioner has submitted that petitioner was arrested on 28.02.2026. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has urged that main accused, namely, Rajat, who has caused injury on the head of the complainant with the iron rod, has also been afforded concession of regular bail by the concerned Sessions Court at Narnaul. Learned counsel has further argued that from the factual *milieu* of the case in hand, offence under Section 109 of the BNS, 2023 (erstwhile Section 307 of IPC) is not made out. Learned counsel has argued that the petitioner has suffered incarceration for more than 02 months. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner are serious in nature and, thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel also seeks to place on record the custody certificate dated 15.05.2026, in the Court today, which is taken on record.

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4.1. Learned counsel for the complainant has vehemently opposed the grant of petition in hand by arguing that there are direct/ serious allegations against the petitioner. Learned counsel has submitted that the petitioner along with his co-accused has given injuries to the complainant and his associates. In case, the petitioner is granted concession of regular bail, there is all likelihood that he may abscond from the process of justice as also interfere/ intimidate the prosecution witnesses/ evidence. On the strength of these submissions, dismissal of the petition in hand is entreated for.

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

6. Petitioner was arrested on 28.02.2026, whereinafter, the investigation was carried out and the challan *qua* petitioner has been presented on 03.04.2026. Total 28 cited prosecution witnesses have been cited, but none has been examined till date as the charges are yet to be framed. It is, thus, indubitable that culmination of trial will take long time. The rival contentions raised at Bar; including culpability of the petitioner as also as to whether the offence under Section 109 of the BNS, 2023 (erstwhile Section 307 of IPC) is made out or not; 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 15.05.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 02 months and 15 days.

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6.2. Further, as per the said custody certificate, the petitioner is stated to be involved in other FIR(s). However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in CRM-M No.38822-2022 titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

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, if not required in any other case, 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 cellphone number to the Investigating Officer/SHO of concerned Police Station and

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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.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

May 18, 2026
mahavir
Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No