IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2026:PHHC:076425

227 **CRM-M-26366-2026 (O&M)**
Date of decision:14.05.2026

Sumit ... Petitioner

Vs.

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Anshuman Dalal, Advocate for the petitioner.

Mr. S.K. Panwar, Additional Advocate General, Haryana.

...

Manisha Batra, J. (Oral).

1. The instant petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case arising out of FIR No.226, dated 07.11.2025, registered under Sections 115, 117(2), 126, 351 and 3(5) of the BNS, at Police Station City Dadri, District Charkhi Dadri.

2. The aforementioned FIR was registered on the basis of statement recorded by complainant – Bharat @ Shubham, alleging therein that he was working in G.K. Hospital, Dadri and used to travel to Dadri from village Kheri Bura, where his maternal uncle resided. On 05.11.2025, he had gone to attend a marriage at village Dubaldhan, where a verbal alteration had taken place between him and accused Mohit

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resident of village Kheri Bura. On 07.11.2025, when he was standing outside the G.K. Hospital, accused Mohit accompanied by his brother Rakesh @ Bholu and the petitioner reached there in a tractor. All of them started using abusive language and thereafter opened an attack upon him thereby causing injuries with some sharp edged weapon on his head and other parts of the body. The complainant tried to flee to save himself but they again assaulted him. In the meanwhile, some persons had gathered there and then the assailants fled after extending threats to him. The complainant to himself admitted in the hospital for his treatment.

3. After registration of the FIR, investigation proceedings were initiated, the petitioner was arrested on 02.02.2026. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. All the four injuries sustained by the victim have been attributed to co-accused Rakesh @ Bholu and not to him. Neither any specific weapon nor any specific role had been attributed to him by the complainant. No recovery has been effected from him. There is delay of 10 hours in lodging of the FIR. He is no longer required for the purpose of investigation as the same stands concluded. His antecedents are clean. His continued detention would not serve any useful purpose. It is, therefore, argued that the petitioner deserves to be extended the benefit of bail.

5. Notice of motion.

6. Learned State counsel has advance notice of the petition and

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is ready to argue the matter. While relying upon the status report, it has been argued by him that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended the benefit of bail.

7. This Court has heard the rival submissions made by learned counsel for the parties.

8. The petitioner in furtherance of his common intention with the co-accused is alleged to have voluntarily caused simple as well as grievous injuries to the victim. The allegations make out a *prima facie* case for commission of the subject offence by the petitioner, however, he has been in custody for a period of over 03 years. The investigation already stands completed. The trial will take considerable time to conclude as none out of 15 prosecution witnesses has been examined so far. As such, his further incarceration is not going to serve any fruitful purpose. It is well settled proposition of law that the bail is the rule and jail is an exception. Pre-trial incarceration of an accused should not be replica of post conviction sentencing. Keeping in view the above facts and circumstances, this Court is of the considered opinion that the petitioner deserves to be extended the benefit of bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM concerned.

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

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and shall not influence the outcome of the trial.

10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

14.05.2026

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

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