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

CRM-M-42424-2025

Date of decision : 26.02.2026

Sandeep Kumar

.....Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Viren Sibal, Advocate and
Mr. Harshit Singla, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of filing the present petition praying for grant of regular bail to him in case FIR No.145 dated 15.03.2025, under Sections 109(1), 115(2), 118, 351(3) registered at Police Station Krishna Gate, Thanesar, District Kurukshetra, Haryana.

2. Succinctly, facts of the case are that the FIR has been lodged on the statement of complainant, namely, Anil Kumar. It was alleged that he used to work as a manual labourer and was living in Thanesar Rain Basera, near Railway Station, Kurukshetra along with Rajpal @ Raju, Sandeep Kumar(petitioner), Sahab Singh and Krishan. It was further alleged that on 14.03.2025, the day of Holi festival, Sandeep Kumar and Rajpal (injured) had consumed some liquor. At about 2:15 P.M., during conversation, Sandeep abused Rajpal, upon which Rajpal objected, then Sandeep threatened to kill Rajpal and again started abusing him. It was alleged that thereafter, Sandeep went inside 'Rain Basera', but when Rajpal was going inside, then Sandeep took out a 'fawda' and hit Rajpal with the same on his head, due to which he fell down. Sandeep gave several 'fawda'



blows on the head, chest and other body parts of Rajpal. It was further alleged that Sandeep took out Rajpal from 'Rain Basera' and when he (complainant) tried to stop Sandeep, he also hit him on his left arm with '*fawda*'. Thereafter, he (complainant) snatched '*fawda*' from Sandeep and he ran away from the spot. It was further alleged that injured Rajpal was got admitted in Civil Hospital and due to his critical condition, he was admitted in Metro Hospital, Kurukshetra. Request was made to take legal action against Sandeep Kumar. On registration of the FIR, investigation commenced. Petitioner was arrested on 16.03.2025. During investigation, on 16.03.2025, petitioner-Sandeep Kumar suffered his disclosure statement admitting his involvement in the present incident. He also got recovered '*fawda*' used in commission of offence. After completion of the investigation, challan was presented and charges were framed. Petitioner approached the Court of learned Sessions Judge, Kurukshetra, however, the same was dismissed vide order dated 08.07.2025. Hence, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that the alleged occurrence has taken place on 14.03.2025 whereas, the date of examination of injured, Rajpal @ Raju was mentioned as 11.03.2025. It is submitted that the weapon of offence has been stated to be a '*fawda*' thus, it is apparent that there was no premeditation on the part of the petitioner to cause any injury and in the absence of any *mens rea*, the offence under Section 307 IPC (now Section 109 of the BNS) is not made out. He submits that even otherwise, the complainant has been examined and thus, the probability of the petitioner tampering with the



prosecution evidence no longer survives. To buttress his arguments, learned counsel for the petitioner submits that the petitioner has no criminal antecedents as he has never been involved in any other case. Thus, he prays for grant of regular bail to the petitioner.

4. Learned State counsel has opposed the submissions made by learned counsel for the petitioner. He submits that there are specific allegations against the petitioner having causing injuries to the complainant with 'fawda'. On medico-legal examination, the injury attributed to the petitioner was declared dangerous to life. He, on instructions, submits that in all there are 14 prosecution witnesses, out of which, complainant already stands examined. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the occurrence in the present took place on 14.03.2025. Custody certificate filed by the State shows that the petitioner has undergone incarceration of 11 months and 08 days as on 24.02.2026. It further reveals that the petitioner has no criminal antecedents as he has never been involved in any other case. As submitted, out of 14 prosecution witnesses, complainant already stands examined.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail.

Accordingly, the present petition is allowed and the petitioner is ordered to

be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

26.02.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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