



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.222

CRM-M-569977-2025
Decided on : 10.02.2026

Mahesh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. P.S.Ahluwalia, Senior Advocate
with Mr.Jaiveer Sandhu and Ms. Simerpreet Sekhon, Advocates
for the petitioner.

Mr. Parveen Kumar Aggarwal, Addl. A.G., Haryana
for the respondent-State.

Mr. Rajesh Bansal, Advocate
for the complainant.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of the BNSS, 2023 is for grant of regular bail to the petitioner in case FIR No.453 dated 12.07.2025, registered under Sections 115, 118(1), 333, 351(3) of BNS, 2023 (Sections 110 and 127(2) of BNS, 2023 added lateron), at Police Station HTM Hisar, District Hisar.
2. Brief facts as per the prosecution case are that the petitioner armed with an ice-pick trespassed into the house of complainant and caused injuries to her due to enmity with her husband and nephew. Hence, the present FIR.



3. Learned Senior counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present FIR. He submits that in the FIR, the complainant alleges injuries on her chest, hips and head whereas no such injury finds mentioned in the medical report. He further contends that the injuries alleged to have been attributed to the petitioner are simple in nature and have been caused by a blunt weapon. The petitioner is in custody since 29.07.2025 and he has clean antecedents. Nothing is to be recovered from him. After completion of investigation, challan has been presented against him; charges have been framed and out of 12 prosecution witnesses, only 03 have been examined till date. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. On the other hand, learned State counsel has filed the custody certificate. The same is taken on record. The status report has already been filed. He has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature. He further submits that merely because the injuries are simple in nature, the intention of the petitioner cannot be wiped away. However, he has not controverted the fact that the the petitioner is the first time offender as he is not involved in any other case.

5. Learned counsel for the complainant, while opposing the petition, has contended that the petitioner has brutally assaulted the complainant and, thus, does not deserve the concession of bail.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody



for the last more than 06 months and 11 days; investigation is complete; challan stands presented, charges have been framed and out of 12 prosecution witnesses, only 03 have been examined till date and the fact that the trial may take a long time to conclude and no useful purpose would be served by detaining the petitioner in further custody. His continued detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

7. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon’ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “bail is a rule” and “jail is an exception”.

8. Without commenting on the merits of the case and keeping in view the aforesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

9. All other pending applications, if any, are also disposed of accordingly.

10.02.2026
mamta

(**RUPINDERJIT CHAHAL**)
JUDGE

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