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

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**CRM-M-58108-2025 (O&M)
Decided on: 18.02.2026**

MAGGAR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Arjun Dhingra, Advocate for the petitioner.

SUBHAS MEHLA, J. (Oral)

1. This is the second petition which has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 seeking grant of regular bail in case bearing FIR No.25 dated 15.01.2023 under Sections 148, 149, 302, 323, 452 IPC, 1860 registered at Police Station Ferozepur Jhirka, District Nuh.

2. The case of the prosecution is that Rasid had sold his Bitora to Kamaluddin. On 14 January 2023, when Rasid demanded payment, Kamaluddin became angry and abused him. Maksood intervened and sent Kamaluddin away. Later that evening around 8:00 PM, Kamaluddin returned with Dilawar, Dildar, Maggar (the present petitioner), Tahir, Shokeen, Sakir and all the accused assaulted the complainant. Attribution to Maggar (the present petitioner) is that he alongwith Kamaluddin and Dildar struck the complainant with *lathis* on different parts of his body



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and was also injured. Complainant's companion namely, Jamshed later died from his injuries on the way to the hospital.

3. Learned counsel for the petitioner contended that the allegations against present petitioner are that he has given a *danda* blow on the elbow of the complainant and no injury is attributed to the petitioner against the deceased Jamshed. It is further contended that the petitioner is having clean & clear antecedents and is not involved in any other case; he has been in custody since 28.01.2023 i.e. for more than 03 years; it is a matter of trial whether there is a criminal conspiracy on the part of the present petitioner; material witness i.e. the complainant has already been examined; trial will take sufficient long time and no fruitful purpose would be served by keeping the petitioner behind the bars and as such, he prays for grant of concession of regular bail.

4. Learned counsel for the State by way of filing of custody certificate dated 17.02.2026 opposes the concession of regular bail to the petitioner and on instructions from SI-Davinder, submits that the petitioner alongwith co-accused attacked the complainant and was a part of unlawful assembly causing death of the deceased-Jamshed. However, he fairly admits that the petitioner was armed with a *danda* and has caused a *danda* blow on the elbow of the complainant; it is also admitted that the complainant has already been examined and the petitioner is in custody since 28.01.2023 and is not involved in any other criminal case.

6. Heard.

7. Keeping in view the facts and circumstances of the present case and the role assigned to the petitioner in the commission of



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offence that he has given a danda blow on the elbow of the complainant and the petitioner has not attributed any injury to the deceased-Jamshed; the petitioner is in custody since 28.01.2023; the petitioner is having clean & clear antecedents and is not involved in any other case; material witness has already been examined and the trial will take sufficient time, no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as a measure of punishment as culpability is to be decided by trial Court after appreciating evidence adduced by the parties, and it is a trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

8. Therefore, without expressing any opinion on the merits of the case, the instant petition is **allowed**. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned and by imposing such conditions so as to secure the presence of the petitioner during the trial proceedings.

9. Nothing observed herein shall be construed as an opinion on the merits of the main case.

(SUBHAS MEHLA)
JUDGE

18.02.2026
Sonia Puri

Whether Speaking/Reasoned: YES/NO
Whether Reportable: YES/NO