

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:008691



222

CRM-M-60283-2025 (O&M)
Date of decision:21.01.2026

Mohit @ Sonu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sanyam Khetarpal, Advocate and
Ms. Kajal Chauhan, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

Mr. Shiv Kumar, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No.83 dated 27.06.2025, registered under Sections 109(1), 117(2), 190, 191(2), 191(3), 333, 351(3), 61(2) of the BNS and Section 25 of the Arms Act, at Police Station Tigaon, District Faridabad.

2. The aforementioned FIR was registered on the basis of a complaint submitted by the complainant – Nitin Nagar, alleging that on 26.06.2025, some persons had opened an assault upon his father-Sumer Singh Nagar in pursuance of a pre-planned conspiracy and had caused serious injuries to him, who was admitted in hospital and was not in a

position to make statement. He also submitted some videos capturing the surroundings of the place of occurrence, showing some of the assailants and also showing the suspicious vehicles. He disclosed that persons of separate groups had been extending threats to his father and also took the names of some of those persons. After registration of FIR, investigation proceedings were initiated. During the course of investigation, petitioner was nominated as an accused and was arrested on 23.07.2025, on the basis of secret information and on the allegations that he in conspiracy with the co-accused, had driven them in a Polo car at the time of occurrence and he also got recovered the Polo car. On interrogation, he suffered disclosure statement admitting his involvement in the crime. Some co-accused were also arrested. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. He is not seen in any of the videos/CCTV footages collected by the Investigating Agency from the spot of occurrence. Neither any specific overt act, injury or weapon has been attributed to him. Recovery of a Polo car is planted upon him. However, there is no material to link the said vehicle with the alleged incident. He is in custody since long. His further incarceration would not serve any useful purpose. The trial will take considerable time to conclude since even charges have not been framed so far. He has clean antecedents. It is, therefore, argued that he deserves to be released on bail.

4. Status report and custody certificate have been filed. Learned State counsel has argued that there are serious allegations against the petitioner, who in prosecution of common object of an unlawful assembly

formed with the co-accused, had taken the assailants to the place of occurrence in a Polo car and multiple injuries, which included grievous injuries, were caused on the person of the victim-Sumer Singh Nagar. Recovery of the said Polo car, which is shown in CCTV footage also, has been effected at the instance of the petitioner. It is further argued that taking into consideration the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail.

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

6. The role attributed to the petitioner is limited to taking the actual assailants to the place of occurrence in a Polo car. It is distinct from the principal act of causing injuries to the victim. He was not named in the FIR. The linkage sought to be established between the petitioner and the act of causing injuries to the victim, primarily rests upon circumstantial inferences. The role so attributed to him is distinct and remote offence from the direct commission of offence punishable under Section 109 of the BNS. This Court is conscious that the offences for which the petitioner has been booked are serious in nature. However, in the present purposes, the Court must test whether the material against the petitioner justified continued pre-trial incarceration bearing nature of evidence? The petitioner has not been seen in the CCTV footages. He is alleged to be sitting in the Polo car. Since the case against the petitioner rests on circumstantial evidence, this is a matter best left for trial, whether the burden of proof and standard of evidence shall be applied rigorously? The petitioner is in custody since 26.07.2025. In view of the foregoing discussion, particularly the limited role

prescribed to the petitioner, this Court is of the considered opinion that continued detention of the petitioner would not serve the ends of justice. Even otherwise, the well settled proposition of law is that pre-trial incarceration should not be a replica of the post conviction sentencing and bail is the rule and jail is an exception. Antecedents of the petitioner are also clean. As such, a case is made out for release of the petitioner on bail. Accordingly, the petition is allowed and he is ordered to be released on bail subject to his furnishing personal as well surety bonds to the satisfaction of the learned trial Court/CJM/Duty Magistrate concerned.

7. It is, however, made clear that any observation made hereinabove is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

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

21.01.2026

harjeet

(MANISHA BATRA)
JUDGE

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