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CRM-M-61329-2025 (O&M)**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****(239)****CRM-M-61329-2025 (O&M)
Date of decision : 15.01.2026****NARESH****... Petitioner****Versus****STATE OF HARYANA****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA****Present: Mr. Sandeep Gahlawat, Advocate for the petitioner****Mr. S.S. Duhan, Advocate and
Mr. Vipul, Advocate for the complainant****Ms. Himani Arora, DAG, Haryana************MANISHA BATRA, J. (ORAL)**

1. The present petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case arising out of FIR No.168 dated 29.05.2025 registered under Sections 115, 118(1), 126, 190, 191(2) and 191(3) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') [Section 109(1), 117(2), 118(2) and 351(2) of BNS added later on] at Police Station Narwana Sadar, District Jind.

2. As per the allegations, on 28.05.2025 the victim Raman was intercepted by accused Dayanand and Govind who had hurled abuses to him. He went back to his house and informed this fact to his father Sube

**CRM-M-61329-2025 (O&M)**

Singh i.e. the complainant, who had pacified him. While he was going for his work he was intercepted by the above named persons alongwith the co-accused who opened an attack upon him and caused several injuries to his son with their respective weapons while making exhortation. When the complainant and his wife rushed for rescue of their son, they too sustained injuries at the hands of the petitioner and the co-accused. They were rushed to the hospital. On the statement of the complainant-Sube Singh, initially a case under Sections 115, 118(1), 126, 190, 191(2) and 191(3) of BNS was registered. Subsequently offences under Sections 109(1), 117(2), 118(2) and 351(2) were added. The statement of Govind son of the complainant, who too sustained injuries was also recorded on 02.06.2025 on the basis of which the present petitioner was nominated as an accused and was arrested on 23.07.2025. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the statement recorded by witness Govind after a gap of 04 days. No specific injury or weapon has been attributed to him. The injuries which have been suffered by the injured persons have not been specifically attributed to him. He is in custody for over a period of 5 months and 22 days. He is not required for further investigation. The trial will take considerable time to conclude since even charges have not been framed. He has clean antecedents. It is, therefore, stressed that the petition deserves to be allowed.

**CRM-M-61329-2025 (O&M)**

4. Status report and custody certificate have been filed. Learned State counsel assisted by learned counsel for the complainant has vehemently argued that keeping in view the gravity of the allegations as levelled against the petitioner and the fact that as many as 09 persons had sustained injuries in the incident and the petitioner was one of the active participant of the unlawful assembly alongwith the co-accused, he does not deserve to be released on bail.

5. This Court has heard the rival submissions made by the counsels for the parties at considerable length.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object, thereof is alleged to have voluntarily caused simple as well as grievous injuries to 09 persons. However, no specific injury has been attributed to him. The trial is likely to take considerable time since even charges have not been framed so far. It is a case of version and cross-version. As per the claim of the petitioner, injuries were also sustained by the members of his party at the time of incident. Further incarceration of the petitioner would not serve any fruitful purpose. It is well settled proposition of law that bail is the rule and jail is an exception. Even otherwise pre-trial incarceration should not be a replica of post-conviction sentencing. Taking into consideration the above discussed facts but without meaning to make any comments on the merits of the case lest the same prejudice either of the parties, the petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing personal and surety bonds to the extent of two sureties to the

**CRM-M-61329-2025 (O&M)**

satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned and on the following conditions:-

- (i) The petitioner shall not try to contact either of the injured persons or witnesses or any material witnesses or shall not try to threaten, induce or promise to any person acquainted with the facts of the case in any manner whatsoever.
- (ii) The petitioner shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) The petitioner shall appear before each and every date of hearing.
- (iv) The petitioner shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.
- (v) The petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switched on all times.
- (vi) The petitioner shall surrender his passport, if any, furnish details of his cell phone and Aadhaar card, and shall not change his mobile number(s) during the pendency of the trial.



CRM-M-61329-2025 (O&M)

7. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.
8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

15.01.2026	Whether speaking/reasoned:-	Yes/No
Amit Sharma	Whether reportable:-	Yes/No