

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

245

CRM-M-61953-2025 (O&M)**Date of decision: 05.02.2026**

Parveen

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Abhishek Goel, Advocate for the petitioner.

Ms. Shweta Nahata, DAG, Haryana.

AARADHNA SAWHNEY, J (ORAL)

1. Prayer in the instant petition filed under Section 483 of BNSS is for grant of regular bail in case FIR No.167 dated 06.07.2025 under Sections 110,115(2),324(4),351(3),3(5) of BNS (Section 117(2) of BNS added later on) registered at P.S HSIIDC Barhi District Sonapat.
2. Relevant facts as emerging from the documents on record be noticed hereinbelow:

On 05.07.2025, an information was received by the police Authorities that a fight had occurred in front of liquor shop at Ganaur flyover, GT Road. Immediately, thereafter I.O reached at the spot but did not find anyone. On the following day i.e 06.07.2025, an information was received from CHC, Gannaur with regard to admission of Sarthak son of Navdeep Kumar on account of having suffered injuries in an assault. Without wasting any time, I.O reached the hospital, collected medicolegal report wherein number and nature of the injuries suffered by the injured has been mentioned by the treating Doctor, who had also advised NCCT Head etc. It also came to the notice that the injured had been referred to BPS Khanpur. I.O telephonically contacted injured who disclosed that he is



undergoing treatment from a private hospital and would submit his complaint soon. In his complaint, Sarthak pointed out that he is dealing Scrap in Barhi factory. On 04.07.2025, he had gone to his factory in his Scorpio No.HR-13W-5660. At about 11.30 PM, he visited a liquor vend at Gannaur flyover in his vehicle and after parking the same, he went to fetch Beer. When he returned back to his car, a boy quarrelled with him and called his two friends. Before he could react, he was pulled out from the car, keys of the car were snatched besides his gold chain. He was also given kick and fist blows. Assailants also damaged his car. Complainant pointed out that he overheard three assailants addressing each other as Parveen (petitioner), Manoj and Bachhi. Later, all three of them fled in their car but not before issuing threat to kill him on a suitable convenient opportunity. On the basis of said complaint, aforesaid FIR was registered. During the course of investigation, apart from recording statements of witnesses, I.O prepared rough site plan and also collected footage of CCTV camera installed near the site. Petitioner and co-accused Aman @ Bachchi were arrested on 30.07.2025. During interrogation, they confessed to their involvement in the incident. At the instance of the petitioner, vehicle bearing registration No.HR-42H-0602 in which he and his two accomplices had fled away from the place of incident was recovered and the same was taken into possession. I.O also sought opinion of the concerned Doctor with regard to nature of injuries suffered by the injured. Two of the injuries (on right eye and head) were declared to be grievous in nature. Accordingly, Section 117 (2) of BNS was added. The other co-accused namely Manoj was arrested on 17.11.2025 who also confessed to his involvement and got recovered belt used in the crime, which was taken into possession and converted into sealed parcel. Admittedly, investigations qua the petitioner is complete, for, challan has been filed.



3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case for extraneous reasons. He did not participate in the incident but is being victimized at the behest of the local police officials, who are nursing a grudge against him. Unexplained delay of 02 days in lodging the FIR itself raises a serious question mark on the genuineness of the story putforth by the prosecution and suggests that facts have been twisted. Second leg of submission raised by learned counsel for the petitioner is that assuming for the sake of arguments, the incident occurred as portrayed by the prosecution (though not admitted), the only role attributed to the petitioner is that he gave kick/fist blows to complainant-injured. He submits that lenient view be taken in favour of petitioner, whose past antecedents are quite clean, moreso when the likelihood of completion of trial in near future is quite remote, for none of the prosecution witnesses has been examined till date, hence, his further incarceration would not serve any useful purpose.

4. Per contra, while opposing the request for grant of bail, learned State counsel pointed out that in the CCTV footage, petitioner and co-accused can clearly be seen fighting with the complainant and giving kick blows to him. Thus, the plea taken by the petitioner that he has been falsely implicated in the present case, deserves not to be taken note of. It is further contention of learned State counsel that if the concession of bail is granted to the petitioner, the likelihood of him fleeing from the process of justice by not appearing in the Court and overawing the complainant/related witnesses who have not been examined till date are quite high.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

In view of submissions advanced by learned counsel for the petitioner, but without advertng to the merits of the case, lest it may prejudice the



trial, the Court is of the opinion that no useful purpose would be served by further detention of the petitioner, as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of “Bail is a general rule and incarceration is an exception” as held by Hon’ble Supreme Court in **Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.**

Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.



(viii) The petitioner shall not leave the country without prior permission of the trial Court.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

6. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

05.02.2026
manoj

(AARADHNA SAWHNEY)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No