



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-64473-2025

TanujPetitioner

Versus

State of Haryana and others Respondents

1.	Date when Order was reserved	19.05.2026
2.	Pronouncement of Order	26.05.2026
3.	Date of uploading Order	26.05.2026
4.	Whether operative part or full Order is pronounced	Full
5.	Delay, if any, in pronouncing of full order, and reasons thereof	Not Applicable

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Gandharv Malhotra, Advocate for
Mr. Ravi Choudhary, Advocate for the petitioner.

Mr. P.K. Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J.

1. Present petition has been filed by petitioner–Tanuj under Section 483(3) of the BNSS, 2023, seeking cancellation of the orders dated (i) 01.10.2025 passed in B.A. No.2674 of 2025, (ii) 04.10.2025 passed in B.A. No.2801 of 2025, (iii) 09.10.2025 passed in B.A. No.2819 of 2025, and (iv) 09.10.2025 passed in B.A. No.2818 of 2025 (appended



as Annexures P-1 to P-4 respectively), vide which accused namely Abhishek @ Abu, Sudhir @ Sudha, Nitish, Arveen and Ankit respectively, were granted regular bail by the Court of learned Additional Sessions Judge, Sonapat, in a case arising out of FIR No.221 dated 08.08.2025, registered under Sections 61(2), 110, 115(2), 190, 191(3), 351(3), 324(4) and 126(2) of the BNS, 2023, at Police Station City Sonipat, District Sonipat (Annexure P-5).

2. While granting bail, it was noticed that all the offences, except the offence under Section 110 of the BNS, are triable by the Court of learned Magistrate, and the applicability of Section 110 of the BNS is itself a matter to be determined during trial. It has further been recorded in all the impugned orders that accused persons were in custody since 11.08.2025, whereas accused Ankit was in custody since 20.08.2025. Recovery of weapons, with which the accused were allegedly armed, had already been effected.

3. Even in the present petition, mandatory requirements in law regarding cancellation of bail, as envisaged under Section 483(3) of the BNSS, have not even been pleaded. Broadly, there is no allegation that, after grant of bail, accused misused the concession of bail or threatened the complainant party or any witness at any point of time. The settled principle of law that “*bail is the rule and jail is the exception*” has also been duly discussed in the impugned orders.

4. Moreover, issues raised in the present petition are not sufficient to upset an order granting discretionary relief, which is



primarily based upon judicial discretion, equity and the satisfaction of conscience of the Court. There is no provision under the codified procedural law providing an appellate remedy against such an order. Furthermore, in case of any alleged illegality or perversity, petitioner could have availed the remedy of revision in accordance with law.

5. The grounds raised by the petitioner, as well as the judgments of Hon'ble Supreme Court relied upon, namely: (i) '***State of Bihar Vs. Rajballav Prasad alias Rajballav Prasad Yadav alias Rajballabh Yadav***', (2017) 2 SCC 178; (ii) '***Prasanta Kumar Sarkar Vs. Ashis Chatterjee and another***', (2010) 14 SCC 496; (iii) '***State of U.P. through CBI Vs. Amarmani Tripathi***', (2005) 8 SCC 21; (iv) '***Ram Pratap Yadav Vs. Mitra Sen Yadav and another***', (2003) 1 SCC 15; (v) '***State of M.P. Vs. Kajad***', (2001) 7 SCC 673; and (vi) '***Puran Vs. Rambilas and another***', (2001) 6 SCC 338, are not applicable to the facts and circumstances of the present case.

6. While dealing with the prayer made in the present petition, this Court is conscious of the fact that the private respondents had already undergone sufficient incarceration period inside jail prior to the grant of bail. Moreover, no irreparable loss would be caused to the complainant/victim in the event the petitioners are ultimately held guilty, as it would thereafter be for the accused either to undergo the sentence awarded or to avail the remedy of appeal in accordance with law.

On the other hand, keeping the private respondents/accused behind bars before the charges are proved may result in irreparable loss

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to them, particularly in the event of their acquittal. This Court does not find any illegality or perversity in the impugned orders. Accordingly, finding no merit in the present petition, same is hereby **dismissed**.

(SANJAY VASHISTH)
JUDGE

26.05.2026**Rashmi**

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