



CRM-M-63016-2025

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

CRM-M-63016-2025

Date of Decision: 12.03.2026

Jagshir @ Jagsir

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vivek K. Thakur, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.165 dated 23.06.2025, registered under Sections 110, 115(2), 126, 126(2), 351(2) of BNS, 2023 (Section 109 BNS, 2023 added lateron), at Police Station Sadar Kaithal, District Kaithal.

2. Succinctly, facts of the case are that the FIR in the present case was registered on the statement of complainant Tek Chand. It was alleged that he has three sons and one daughter. On 19.06.2025, when his son Deepak returning from ITI, Kaithal by bus, he had some altercation with Poli @ Cheeman, however, the same was resolved on the very same day. On the same day, the complainant a received a phone call from Subhash and Ashish that your son will not be spared. Thus, on 19.06.2025 when his son Deepak was going somewhere for some work, Asfar and Gurmeet stopped him near village Chaupal and gave him slaps and punches. People from nearby area intervened and rescued Deepak from the clutches of Asfar and Gurmeet. On the next day i.e. 20.06.2025, when his son Deepak left home to go to ITI, Kaithal, he was stopped by Jagshir @ Jagsir (petitioner). Jagshir



@ Jagsir abused the son of the complainant Deepak and thereafter, attacked him with slaps, punches and kicks repeatedly on the stomach of Deepak with intention to kill him, due to which he nearly died. On hearing the hue and cry, nearby people rescued him. Thereafter, the complainant and his daughter reached the spot, where Jagshir @ Jagsir also threatened to his daughter. The injured was shifted to the Civil Hospital, Kaithal from where he was referred to PGI, Chandigarh. The doctors at PGI informed that his intestine had ruptured internally and advised immediate surgery. Thus, request made to take legal action. On the registration of the FIR, the investigation commenced. The petitioner was arrested on 24.06.2025. The petitioner approached the Court of learned Additional Sessions Judge, Kaithal praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 30.10.2025. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He has submitted that as per the allegations made in the FIR, the petitioner had given kick and fist blows to the son of the complainant. He submits that admittedly, the petitioner was not armed with any weapon. He contends that the FIR was initially registered under Section 110 BNS, 2023, however, after filing challan, now he has been charged under Section 109 BNS, 2023. He further submits that the ocular version is not even medically corroborated. He has submitted that in the facts and circumstances of the

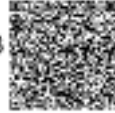


present case, offence under Section 109 BNS, 2023 is not even made out as there was no *mens rea*, which is an essential ingredients for constituting offence under Section 109 BNS, 2023. To buttress his arguments, he submits that the petitioner has no criminal antecedents as he has never been involved in any other case. He further submits that the injured has already been examined and thus, there is no probability of petitioner to influence the injured. He, thus, submits that in the overall facts and circumstances of the case, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has opposed the submissions made by learned counsel for the petitioner. He has submitted that injury caused by the petitioner resulted in rupturing intestine of injured Deepak. He endorse the fact that initially the FIR was registered under Section 110 BNS, 2023, however, later on keeping in view the facts and circumstances of the case, the petitioner has been charged under Section 109 BNS, 2023. On instructions, he submits that injured Deepak already stands examined. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner had been alleged to have given kick and fist blows to the injured, namely, Deepak. Injured Deepak has already been examined. The custody certificate would show that the petitioner has suffered incarceration of 08 months & 17 days as on 11.03.2026. It further shows that the petitioner has no criminal antecedents.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficient



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long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned Senior Counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

12.03.2026

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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No