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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-64588-2025

Date of decision: 23rd January, 2026

Sarfaraj

...Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kamal Deep Sehra, Advocate for the petitioner.

Mr. Neeraj Poswal, A.A.G., Haryana.

Mr. Ankit Yadav, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

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. 194 dated 20.07.2025 registered under Sections 190, 191(3), 115, 109(1), 118(1) and 351(3) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Hatin, District Palwal.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by the complainant Sahun alleging that in the morning of 16.07.2025, he was present in his house along with his family members when the petitioner along with the co-accused entered therein while being

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armed with weapons. They had opened an assault upon his brother Maqsood, who had fallen down. The complainant along with his father and younger brother rushed for rescue of his brother Maqsood and then accused Sajid struck a blow with iron rod on his head. Accused Hanna struck a blow with an axe and the remaining accused including the petitioner inflicted injuries on the person of his brothers and father with their respective weapons. On clamour being raised, the petitioner and the other assailants fled away while extending threats to kill them. By alleging that the wife of his brother has illicit relations with accused Soyab and that was the reason that accused Soyab along with the present petitioner and co-accused opened an assault upon them. He prayed for taking action in the matter. After registration of FIR, investigation proceedings were initiated. The injured were medically examined. After seeking opinion from the doctor, offence under Section 109 of BNS was added. The petitioner and some other co-accused were arrested on 06.08.2025. They suffered disclosure statements admitting their involvement in the crime. The injuries that had been attributed to the petitioner are simple in nature and not dangerous to life. Recovery of one iron rod angle was got effected from the present petitioner. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case and is in custody since long. He is not required for further investigation. Trial is likely to take time to conclude. His further incarceration would not serve any useful purpose. It is, therefore, urged that

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he deserves to be released on bail.

4. Mr. Ankit Yadav, Advocate has put in appearance on behalf of the complainant and has filed his *Vakalatnama*.

5. Status report and custody certificate have been filed by respondent-State. Learned State counsel assisted by learned counsel for the complainant has vehemently argued that there are serious allegations against the petitioner. There are chances of his absconding or committing similar offences if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner along with the co-accused are alleged to have voluntarily caused simple as well as grievous injuries on the person of the complainant and his three family members. Some of the injuries so sustained by the victims have been opined to be grievous and dangerous to life. However, the injuries stated to have been attributed to the petitioner are simple in nature. Investigation now stands concluded but trial will obviously take time to conclude since not even a single witness has been examined so far. This Court is of the considered opinion that no useful purpose would be served by further incarceration of the petitioner, which even otherwise cannot be considered to be a replica to the post conviction sentences. Taking into consideration the above discussed facts, petitioner's clean antecedents but without meaning to make any comment upon the merits of the case, this Court is of the considered

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opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

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

[MANISHA BATRA]
JUDGE

23rd January, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |