



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

140

CRM-M-65321-2025
Date of Decision: 24.03.2026

ASHISH

... Petitioner

VERSUS

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Mr. Ashok Kumar Khunger, Advocate
for the petitioner.

Mr. Rakesh Kumar Jangra, AAG, Haryana.

H.S. GREWAL, J. (ORAL)

This petition has been filed under Section 483 Bharatiya Nagrik Suraksha Sanhita, 2023 seeking regular bail for the petitioner in case FIR No.305 dated 11.08.2024 under Sections 115, 118(1), 126, 190, 191(3), 351(2) of BNS, 2023 (Sections 103(1) and 118(2) of the BNS, 2023 added later on) registered at Police Station Tosham, District Bhiwani.

2. The case of the prosecution is that on 09.08.2024 at about 08:00/08:15 p.m., the complainant alongwith deceased Manjeet was going towards his house at village Kairu. While on the way, they were stopped by the petitioner alongwith his co-accused. They attacked Manjeet with sword, farsa, lathi, danda and an axe. The complainant, however, managed to escape. Said Manjeet Singh, later on, succumbed to the injuries. The role attributed to the petitioner herein is that he was armed with a danda and had inflicted injuries to deceased Manjeet with the same.

3. Learned Counsel for the petitioner contends that the allegations against the petitioner are false and the petitioner has been falsely implicated in the present case. He further submits that although the petitioner has been shown to be armed with a danda, but no specific injury has been attributed to the petitioner in the FIR. He further argues that PW1 Naveen i.e. the complainant has specifically deposed in his evidence that before the death, deceased Manjeet Singh had got recorded his statement to the police, however, the said report did not see the light of the day, neither in the investigation nor in the challan presented before the Court, which casts a shadow of doubt on the story of prosecution. He further submits that the petitioner is in custody for the last 01 year, 06 months and 12 days and the trial of the case is likely to take a long time to conclude.

4. Learned State Counsel, on the other hand, vehemently opposes the petition for grant of bail on the ground that the allegations and role attributed to the petitioner in the commission of the alleged offence are very serious in nature and the petitioner has actively participated in the alleged offence. The petitioner does not deserve the concession of bail. Hence, he prays for dismissal of the present petition. Custody certificate produced by the State Counsel is taken on record.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the facts and circumstances of the case and taking into consideration the fact that the petitioner is in custody for last 01 year, 06 months and 12 days coupled with the fact that the trial of the case is likely take a long time to conclude as well as the fact that the case of prosecution is surrounded by doubts, this Court is of the opinion that the petition in hand deserves to be allowed. Moreover, bail is rule and jail is exception. Since the continuous incarceration of

the petitioner would not serve the ends of justice, therefore, he is entitled to regular bail during the pendency of the trial.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. It is clarified that if while on bail so granted through the instant order, the petitioner is found indulging in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.

9. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

MARCH 24, 2026.
Rajender

(H.S. GREWAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No