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IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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Date of Decision: 24.02.2026

DHARMENDER

... Petitioner

VERSUS

STATE OF HARYANA

... Respondent

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

Present: Mr. Amardeep Sheoran, Advocate for the petitioner.

H.S. GREWAL, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of BNSS for grant of regular bail in case FIR No.239 dated 24.10.2024 under Sections 110, 115, 190, 191(2), 351(2) and 238 A of BNSS registered at Police Station Rampura, District Rewari.
2. The case of the prosecution is that the petitioner, along with the co-accused, attacked the complainant and inflicted injuries on his head by using sticks and iron rods.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that there is a considerable delay in lodging the FIR and no specific injury has been attributed to the petitioner. The petitioner is in custody since 26.08.2025. He further submits that co-accused namely Dheeraj has already been granted concession of regular bail by the Co-ordinate Bench of this Court.



4. Notice of motion.

5. Mr. Rakesh Kumar Jangra, AAG, Haryana, accepts notice on behalf of the respondent–State and has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner has been specifically named in the initial complaint. He has filed the custody certificate in Court today and the same is taken on record and as per which the petitioner is in custody for the last 05 months and 27 days and is involved in two other cases. He further submits that out of 14 cited prosecution witnesses, none have been examined so far.

6. I have heard the submissions made by Id. counsel for the parties and perused the record.

7. After hearing the rival contentions of learned counsel for the parties and keeping in view the facts and circumstances of the case and the fact that the petitioner is in custody for the last 05 months and 27 days; out of 14 cited prosecution witnesses none has been examined so far; although he is involved in more cases however, he has been released on bail in one case and has been acquitted in the other and the trial is moving at a snail’s pace and is likely to take considerable time, this Court is of the view that his further detention behind bars would not serve any useful purpose. Moreover, it is a settled principle of law that *“bail is a rule and jail is an exception”*.

8. 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



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bail on his furnishing requisite bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

9. It is clarified that if while on bail so granted through the instant order, the petitioner is found indulged in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.
10. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

24.02.2026
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(H.S. GREWAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No