2026:PHHC:053384

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124

CRM-M-69868-2025
Decided on : 07.04.2026

Sameer . . . Petitioner(s)

Versus

State of Haryana . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sarun Hans, Advocate
for the petitioner(s).

Mr. P.K. Jhanda, AAG, Haryana.

****

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Sameer	903	24.12.2024	109(1), 115, 118(1), 126, 3(5), 351(3) of BNS, 2023	HTM	Hisar

2. On basis of statement of injured/complainant, Rahul Mankash son of Jaswant revealed that on 22.12.2024, around 9:30 pm, he alongwith his friend Tanuj was going in his car bearing registration No. HR87A/3531 to buy some household articles. As they reached near liquor vend located in front of Gate No.2, Vegetable Market, they noticed two motorcycles parked in middle of road. He stopped car and his friend Tanuj alighted from car and asked motorcycle riders to remove motorcycle from passage. On hearing this, they started manhandling his friend. Thereafter, he alighted from car and told his friend Tanuj to leave and buy household articles. He was about to remove Rs. 2,500/- from his pocket, however, Sameer alias Mota Mulla (petitioner herein) and Kaku alias 74 snatched his Rs. 2,500/- and when he asked them to return money, Kaku and Sameer took out a knife from their

JAWALA RAM
2026.04.08 16:41
I attest to the accuracy and
authenticity of this document

pocket and assaulted him with knife. Monty Sarbata, Riyan Sarbata, Manish (brother of Mota Mulla) and 5-6 persons were also present there. Monty Sarbata and Manish gave him knife blows on his back whereas rest of persons gave him kicks and fist blows. Sameer alias Mota Mulla gave him knife blow in his abdomen and thereafter, Sameer and Kaku removed gold chain from his neck. On hearing up-roar, many persons gathered on spot. Complainant/injured's brother Dharambir came on spot. Thereafter, he was shifted to Government Hospital, however, in order to get better treatment, they came to Sapra Hospital. Broadly with these allegations, complainant/injured prayed to take legal action against Monty Sarbata, Riyan Sarbata, Sameer alias Mota Mulla (petitioner herein), Manish and Kaku 74 and 5-6 unknown persons. Thereafter, FIR under Sections 115, 190, 191(2), 191(3), 118(1), 126, 109(1), 351(3) of BNS, 2023 was registered.

3. Learned counsel for petitioner contends that petitioner, who is aged 23 years, is inside the jail since 03.02.2025, i.e., for a period of more than 01 year and 01 month and as per role assigned, he has given knife blow to injured/complainant namely Rahul Mankash in his stomach, whereas Doctor Tarun Sapra, in his opinion, opined that ***"injuries as per treatment are simple in nature."***

4. Learned counsel for petitioner argues that from version of FIR, it is clear that complainant was known to accused persons, as their names have been mentioned in complaint itself.

Further argues that nothing more is to be recovered from possession of petitioner. After completion of investigation, charges were framed on 03.06.2025 and out of total cited 18 prosecution witnesses, none has been examined so far. Even no prosecution witness was produced before trial Court on last date of hearing i.e. 05.03.2026. Lastly, proceedings were fixed for recording of statements of prosecution witnesses – Rahul Mankash (complainant/injured) and Dharamvir.

In this regard, learned counsel submits that complainant/injured Rahul Mankash himself is facing proceedings in case FIR No. 729 dated 07.11.2025, under Sections 103(1), 115, 191(2), 333, 351(3), 61 of BNS, 2023, registered at Police Station HTM, District Hisar and presently, he is

JAWALA RAM
2026.04.08 16:41
I attest to the accuracy and
authenticity of this document

inside the jail in said case. Thus, early culmination of trial is not likely.

Therefore, in view of aforesaid facts and circumstances, learned counsel prays for grant of concession of regular bail to petitioner.

5. On other hand, learned State counsel has filed custody certificate dated 02.04.2026 in Court today, which is taken on record. Office to tag same at appropriate place. Copy thereof has been handed over to counsel for petitioner.

6. Factual position including fact that injured/complainant – Rahul Mankash himself is involved in one more case is not disputed by learned State counsel. However, he points out involvement of petitioner in eight other criminal cases, details of which have been mentioned in status report.

7. I have heard learned counsel for parties and perused material available on record.

8. There is no explanation as to why prosecution has failed in producing witnesses since 03.06.2025, when charges were framed. Petitioner though gave stab injury, but as per medical opinion of doctor (appended as Annexure P-3), same is simple in nature.

In view of above, and more particularly, looking at incarceration of petitioner inside the jail i.e. 01 year, 01 month and 29 days up-till 02.04.2026, and slow pace of trial, as no prosecution witness has been examined so far, this Court does not find any substantial reason to continue detention of petitioner inside the jail.

9. Therefore, without commenting upon merits of case and keeping in view overall facts and circumstances, nature of injuries attributed to petitioner, period of incarceration already undergone, and stage of trial, this Court deems it a fit case for grant of regular bail to petitioner.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly

JAWALA RAM
2026.04.08 16:41
I attest to the accuracy and
authenticity of this document

or indirectly.

11. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

12. **Petition stands disposed of**.

Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

April 07, 2026
J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No

JAWALA RAM
2026.04.08 16:41
I attest to the accuracy and
authenticity of this document