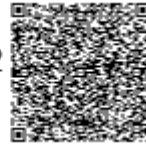


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:021162



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CRM-M-68889-2025 (O&M)
Date of decision:11.02.2026

Ajay @ Ajay Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Deepak Jindal, Advocate for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

...

Manisha Batra, J. (Oral).

1. 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.221, dated 20.04.2025, registered under Sections 190, 191(3), 110, 115, 117(2), 126, 351(3) and 61 of the BNS, at Police Station Indri, District Karnal.

2. The aforementioned FIR was registered on the basis of statement recorded by complainant – Mahender Singh on 20.04.2025, alleging therein that on the evening of 19.04.2025, he along with his son Lovish and driver Kuldeep was working in the fields of Omi Lal with a tractor, when 15-20 youths riding on 4-5 bikes reached there. By forming an unlawful assembly and after making exhortations, they opened an assault upon the petitioner and his son, forcibly stopped their tractor and extended

injuries on their person with their respective weapons. Both of them were seriously injured. On clamour being raised, assailants had fled away. His son had become unconscious and was rushed to the hospital. On regaining consciousness, he disclosed that accused Akrish and Prince, who were having a grudge against him from sometime along with their accomplices, were involved in the occurrence. Investigation proceedings were initiated.

3. During the course of investigation, accused Akrish was arrested. On the basis of his disclosure statement, accused Azad was nominated as additional accused and was arrested. He too suffered disclosure statement on the basis of which the present petitioner was nominated as such and was arrested on 11.05.2025. He too suffered disclosure statement admitting his involvement in the crime by saying that he stood guard at the time of occurrence, whereas the other assailants had opened assault upon the victims. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 11.05.2025. Investigation now stands completed. His continued detention would not serve any useful purpose. He is on bail in another case as registered against him. The trial will take considerable time to conclude. Most of the accused have since been extended benefit of bail. On parity, he too deserves to be extended the benefit of bail. With these broad submissions, it is, urged that the petition deserves to be allowed.

5. Status report and custody certificate have been filed. It is argued by learned State counsel that taking into consideration the gravity of the allegations as levelled against the petitioner, he does not deserve to be

extended the benefit of bail.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioner is in custody since 11.05.2025. No specific overt act or injury on the person of the victim has been attributed to him nor he is alleged to have used any weapon at the time of occurrence. The allegations against him are that he stood guard at the time of occurrence. The allegations make out a *prima facie* case for commission of the subject offences by the petitioner and especially point out his vicarious liability in the crime. However, he is in custody since long. He is not required for further investigation. Obviously, there are no chances of conclusion of the trial in near future since no prosecution witness has been examined so far. As such, no purpose would be served by keeping him in custody anymore. It is well settled proposition of law that bail is the rule and jail is an exception and pre-trial incarceration should not be a replica of post conviction sentencing. The object of jail is to secure appearance of the accused during trial and it cannot be punitive or preventive. There is nothing on record to show that the petitioner may abscond or commit similar offences.

8. In view of the discussion as made above, this Court is of the considered opinion that a case for release of the petitioner on bail is made out. Accordingly the petition is allowed and the petitioner is directed to be released on bail subject to his furnishing personal bonds as well as surety bonds by two sureties in the like amount each to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. The petitioner shall, however,

keep the trial Court informed about any change in his residential address and his mobile number. He will keep his mobile phone active round the clock. He will also remain present before the trial Court on each and every date of hearing, failing which it shall be taken as misuse of the concession of bail. Similarly, if the petitioner is found involved in any other case of similar nature, that will amount to misuse of concession of bail and in that event, it shall be open to the State to apply for cancellation of bail without further reference to this Court.

9. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

11.02.2026

harjeet

**(MANISHA BATRA)
JUDGE**

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