



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

114

Date of Decision: 10.04.2026.

(1) CRM-M-57871-2025

Sombir

....Petitioner.

VERSUS

State of Haryana

....Respondent.

WITH

(2) CRM-M-72320-2025

Mukesh Kumar

....Petitioner.

VERSUS

State of Haryana

....Respondent.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Raman Sihag, Advocate and
Mr. Vishwash Kumar, Advocate for the petitioners.

Mr. Parveen Kumar Aggarwal, Additional Advocate General,
Haryana.

Mr. Arun Kumar, Advocate for the complainant.

SANJAY VASHISTH, J. (Oral)

Petitioner-Sombir (in CRM-M-57871-2025) and petitioner-Mukesh Kumar (in CRM-M-72320-2025), have filed the aforementioned two petitions under Section 483 BNSS, 2023, seeking regular bail in case FIR No.02 dated 07.01.2025, under Sections 115, 126, 3(5), 351(3) of BNS, and Sections 61(2) and 109(1) of BNS added later on), registered at Police Station Bawani Khera, District Bhiwani.

2. Present case was registered on the statement of the complainant-Sonu Sharma s/o Gopal Sharma, and the allegations of the prosecution are stated as under:

“ that on 06.01.2025, at about 6.22 P.M. he received a call from an unknown person that his (complainant) brother was lying on Pur road in injured condition, upon which, the complainant reached at the spot and found that his brother was lying there in injured condition and blood was oozing from the injuries. He shifted his brother to Civil Hospital, Bawani Khera from where his brother was referred to Bhiwani. His brother disclosed t him that when he was going for walking ò towards village Pur, an Alto car came from behind and directly hit him. When he got up and started walking, then three persons alighted from the said car, blocked his way and caused injuries with "Farsa" and iron rod on his hands, legs and head and also extended threats to kill him. Thereafter, out of them one stated that Raj Kumar someone is coming, let's go. After that they left him and went away. His brother has already having a dispute with his maternal uncle's sons Jogender and Bhupender and he has suspicion that they got Naveen injured. Request was made to trace out the culprits and take appropriate legal action against them. On the basis of abovesaid complaint, present FIR under Sections 115, 126(2), 351(3) 3(5) of B.N. S., 2023 was registered.”

3. After hearing learned counsel for the petitioners, following order was passed on 27.02.2026:-

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

Name of petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Sombir (in CRM-M-57871-2025)	02	07.01.2025	115, 126, 3(5), 351(3) of BNS, 2023 (61(2), 109(1) of BNS added later on)	Bawani Khera	Bhiwani
Mukesh Kumar (in CRM-M-72320-2025)	02	07.01.2025	115, 126, 3(5), 351(3) of BNS, 2023 (61(2), 109(1) of BNS added later on)	Bawani Khera	Bhiwani

2. In the present case, FIR was registered at the instance of complainant – Sonu Sharma, brother of injured Naveen, which reads as under:-

“..... that I am Sonu Sharma, son of Gopal Sharma, resident of village Siwada. Today on 1 06.01.2025 at 6.22 PM, I received a call from an unknown person that your brother naveen is lying injured on Pur Road, someone should reach there with a car. When I reached the spot, my brother was badly injured. He had injuries on both his hands and right leg and was bleeding profusely. There was a long cut mark

on his head as well and was bleeding profusely. I immediately took my brother in the car to Civil Hospital Bhiwani kheda where the doctor treated him and referred him to Bhiwani. My brother told me that when I was going towards village Pur for a walk, an Alto car hit me from behind. When I got up and started walking, three persons came out of the car, stopped me and hit me hard on both my hands and head with an axe and Iron Pipe and also threatened to kill me. After that, one of them said that someone is coming 'Raj Kumar', let's go, after that they left him there and went away. My brother Naveen is already having a dispute with my Mosi's sons, Jogendra and Bhupendra S/o Harishchandra R/o of Siwada, I have suspicion that my brother Naveen has been beaten because of Jogendra and Bhupendra. You are requested to find out the persons who injured him and take appropriate legal action against them. Yours sincerely Sonu Sharma son of Shri Gopal Sharma village Siwada Mobile No. 9992678981."

3. *It is admitted position that charge-sheeting the accused under Section 109 of BNS, 2023, has been assailed by one of the coaccused, namely, Bhupender in **CRR-2524-2025**, titled as, "**Joginder v. State of Haryana and others**" and therein, vide order dated **30.10.2025**, proceedings before the trial Court have been directed to be adjourned to the date beyond the date fixed before this Court (High Court). The relevant operative part of the order dated 30.10.2025, is reproduced hereunder:-*

"CRR-2524-2025

Petitioner, an accused in case FIR No.02 dated 07.01.2025, has assailed the order dated 02.06.2025 passed by learned Sessions Judge, Bhiwani, vide which petitioner was charge sheeted under Sections 61, 351(3), 126, 109(2), 115, 117(2), 3(5) of BNS.

Notice of motion to respondent No.1 – State only at this stage.

At this stage, Ms. Shweta Nahata, DAG, Haryana, accepts notice on behalf of respondents No.1-State and prays for time to file status report in the matter.

Adjourned to 16.12.2025.

In the meantime, learned trial Court is directed to adjourn the case beyond the date fixed before this Court."

4. *Learned counsel for the petitioner(s) submits that co-accused – Joginder has been granted bail by this Court vide order dated **18.09.2025**, passed in **CRM-M-33740-2025**, titled as, "**Jogender v. State of Haryana**" (Annexure P-6), it is clarified that co-accused Jogender was attributed of conducting recce of the victim/injured and while considering the bail, it was noticed in the said petition that main accused was Bhupender, who had got recovered one iron pipe also. Thus, learned counsel argues that petitioner – Mukesh Kumar (in CRM-M-72320-2025)*

was driving the Alto car, which was occupied by the accused persons, and petitioner – Sombir (in CRM-M-57871-2025) was though accompanying the accused persons, however, no specific role has been assigned against him.

5. At this stage, facts mentioned in the application dated 03.02.2025 (appended as Annexure P-3 along with CRM-M-57871- 2025), have been noticed, which are reads as under:-

“Copy of Medical Opinion dated 03.02.2025 regarding Injuries of Naveen Police Station: Bawani Khera District: Bhiwani

FIR no. 2 dated 07.01.2025 u/s 115, 126, 3 (5), 351 (3) of Bharatiya Nyaya Sanhita (BNS) 2023 Polcie Station Bawani Khera, District Bhiwani.

To

*The Medical Officer
GH, Bawani Khera*

Sir,

It is stated that Naveen S/o Gopal R/o Siwada, was injured in fight on 06.01.2025, regarding which MLR no. RC/BK/6/1/25/01 dated 06.01.2025 was issued by GH Bawani Khera. MLR mentioned 6 injuries. Wherein on 27.01.2025 as per medical opinion sought from you, Injuries no. 1,2,3,4,6 have been stated to be Grievous in nature but regarding Injury no.5 no opinion was given. Hence by this application it is requested that "Whether because of Injuries received by Naveen and blood loss from these injuries, Naveen could have dies or not", Please provide opinion.

*Sd/-SHO
PS Bawani Khera
Dated: 03.02.2025*

As per MLR no.RC/BK/6/1/25/01 dated 06.01.2025 and BHT Gno.258:

Injury no. 5 is Simple in Nature.

Patient could have been died due to bleeding or Trauma from Injury.

*Sd/-
Medical Officer
03.02.2025”*

6. State is directed to verify the health condition of the injured **Naveen**, after getting him examined from the Government hospital.

7. List again on 25.03.2026.

Photocopy of this order be placed on the file of other connected case.”

4. Learned counsel for the petitioners submits that, as per the information provided by injured-Naveen, to his brother-Sonu Sharma, there was a dispute involving his uncle's sons, namely Jogender and Bhupender. Said Jogender has already been granted bail by the co-ordinate Bench of this Court vide order dated 18.09.2025 (P-6) passed in CRM-M-33740-2025, whereas Bhupender has also been extended the concession of bail by this Court, vide order dated 07.04.2026 passed in CRM-M-6326-2026. The role assigned to co-accused-Jogender was limited to conducting reki of injured-Naveen. Counsel further submits that, as per FIR, no specific injury has been attributed to any of the accused. The role attributed to the petitioner is of giving *Danda* blow, however, there is no specific injury attributed to the petitioner. Rather, on the basis of suspicion against two of the accused, namely Jogender and Bhupender, the FIR was registered, and petitioner's name surfaced thereafter during the course of investigation. The injuries allegedly suffered by Naveen, as noticed in the order granting bail to co-accused Jogender, read as under:

"i) Laceration of 0.5 cm and 0.2 cm over left leg adv xray left leg ortho opinion.

ii) Swelling over right leg adv xray right leg ortho opinion.

*iii) Swelling of 4*4 cm over left forearm and wrist adv xray left forearm ortho opinion.*

*iv) Swelling of 5*4 cm over right forearm with bone protruding out adv xray right forearm with wrist ortho opinion.*

*v) Laceration of 6*2 cm over right side of forehead adv ncct head sr opinion.*

*vi) Laceration of 03.0*2 cm with swelling over right arm adv xray right arm ortho opinion."*

5. On being asked by the Court, learned State Counsel informed

that injured-Naveen, has already been examined in Court and has fully supported the case of the prosecution. However, counsel submits that out of the total six injuries, five, though inflicted on non-vital parts, were declared grievous. Since injured has supported the case of the prosecution while appearing in the witness box, counsel contends that there is no ground for extending the concession of bail to the petitioner.

Status report dated 05.04.2026 has been filed in Court today, which is taken on record. Registry to tag the same at an appropriate place. As per the status report, the health condition of injured-Naveen has been detailed which appears to be of a normal condition as on day.

6. I have considered the submissions made and have gone through the record, along with the appended documents.

7. Considering the fact that petitioner-Sombir is aged 38 years and petitioner-Mukesh Kumar is aged 37 years and are in custody since 24.02.2025 (i.e., for more than one year), and are not involved in any other case, and further noticing that the injured has already been examined in Court and as per status report, his health condition is normal as on day, as well as co-accused namely Jogender has already been granted bail by the co-ordinate Bench of this Court vide order dated 18.09.2025 (P-6) passed in CRM-M-33740-2025, whereas Bhupender has also been extended the concession of bail by this Court, vide order dated 07.04.2026 passed in CRM-M-6326-2026, this Court does not find any substantial reason to continue the detention of the petitioners in jail any longer.

8. With the aforementioned observations and without expressing any opinion on the merits of the case, both the **petitions are allowed**. Petitioner-Sombir and petitioner-Mukesh Kumar are ordered to be released on

bail, subject to their 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.

9. Any of the discussion done and recorded hereabove, 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.

10. **Accordingly, both the petitions stand disposed of.**

11. Photocopy of this order be placed on the connected file.

(SANJAY VASHISTH)
JUDGE

10.04.2026
jitender

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