



CRM-M-72140-2025

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

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CRM-M-72140-2025

Date of Decision: 24.02.2026

SANJAY KUMAR

... Petitioner

VERSUS

STATE OF HARYANA

... Respondent

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

Present: Mr. G.S.Sidhu, 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 pending trial in case FIR No.297 dated 29.10.2023 under Sections 147,148,149,302,323,341,506 of IPC (Sections 212, 216 and 427 of IPC added later on) registered at Police Station Nathusarai Chopta, District Sirsa.

2. The case of the prosecution is that the petitioner, along with his co-accused, inflicted injuries upon the complainant party, which resulted in the death of one-Sant Lal. The petitioner was armed with an iron rod and have given a blow on the left foot of one-Krishan.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is contended that nothing has been recovered from the possession of the petitioner. He further submits that as per the post-mortem report, only one injury was found on the head of the deceased Sant



Lal and no injury has been specifically attributed to the petitioner. It is also submitted that the injury allegedly inflicted upon Krishan was declared to be simple in nature. The petitioner is in custody since 05.01.2024. Learned counsel further submits that the other co-accused have already been granted the concession of bail by 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 was an active member of the assaulting group and participated in the occurrence with full knowledge and common intention. He submits that the petitioner was armed with an iron rod and took part in the brutal attack during which Sant Lal lost his life and eight other persons sustained serious injuries. He has filed the custody certificate as well as the status report by way of an affidavit in the Court today, and the same are taken on record. As per the custody certificate, the petitioner is been in custody for the last 02 years, 01 month and 15 days and is also stated to be involved in other cases. He further submits that out of 47 cited prosecution witnesses, none has been examined so far.

6. I have heard the submissions made by ld. 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, particularly the fact that no specific injury has been attributed to the petitioner on the person of the



deceased Sant Lal; the petitioner is in custody for the last 02 years, 01 month and 15 days; out of 47 cited prosecution witnesses none has been examined so far; and that the trial is yet to commence 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 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