

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:010878



215

CRM-M-73259-2025 (O&M)
Date of decision:27.01.2026

Sahil

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Bhal Singh Beniwal, Advocate for the petitioner.

Ms. Himani Arora, DAG, Haryana.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking benefit of anticipatory bail in case arising out of FIR No.461 dated 02.12.2025, registered under Sections 115, 117(2), 190, 191(2), 191(3), 296, 333 and 351(2) of the BNS (offences under Sections 238 and 61 of the BNS were added lateron), at Police Station City Fatehabad, District Fatehabad.

2. The aforementioned FIR was registered on the basis of statement recorded by complainant – Sunder Lal, who was working as a clerk at Madia Wine Shop, Fatehabad, alleging that on the evening of 01.12.2025, one Vishal came to his shop in a vehicle bearing registration

No.HR-22-U-4754 and asked for a case of beer. When after delivering the same, complainant asked him to pay for the same, he refused to do so and started hurling abuses. Thereafter, he left after making payment and sometime thereafter, he came back accompanying by 8-9 youths, who opened an attack upon the complainant and extended beatings to him with sticks and by giving fist blows and kicks etc. They left the spot after threatening to kill the complainant.

3. After registration of the FIR, investigation proceedings were initiated and the same are underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail, which has been dismissed by the Court of learned Additional Sessions Judge, Fatehabad vide order dated 16.12.2025.

4. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. No specific injury on the person of the complainant is attributed to him. His actual name is Sahil but he has been named as Vishal in the FIR. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to effected from him. Co-accused, Akash has been extended the benefit of anticipatory bail. On parity, he too deserves to be given the same benefit. It is, therefore, urged that the petition deserves to be allowed.

5. Status report has been filed by the learned State counsel. She has argued that the petitioner had formed membership of an unlawful assembly with the co-accused and it was on his initiation and instigation that the co-accused and himself have voluntarily caused simple as well as grievous injuries to the complainant after criminally trespassing into his

shop and also criminally intimidating him. It is, further argued that for conducting thorough and proper investigation into the matter, custodial interrogation of the petitioner is must. It is, therefore, stressed that the petition does not deserve to be allowed.

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

7. The petitioner by forming membership of an unlawful assembly with the co-accused and in prosecution of the common object thereof, is alleged to have opened an assault upon the complainant on the fateful day and have caused injuries to him after criminally trespassing into his shop. All the injuries, which have been sustained by the victim have been opined to be simple in nature. He is alleged to have given kicks to the victim. Given the nature of the allegations as levelled against the petitioner and the circumstances peculiar to this case, this Court is of the considered opinion that pre-trial incarceration of the petitioner is not required. As such, a case is made out for allowing the present petition. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to the condition that the petitioner shall surrender before the Investigating Officer/Arresting Officer within a period of 10 days from today and shall join the investigation. He shall also join investigation as and when required subsequently. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNS.

8. It is, however, clarified that nothing stated above shall have any

bearing on merits of the case.

9. Pending application(s), if any, shall also stands disposed of.

27.01.2026

(MANISHA BATRA)
JUDGE

harjeet

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