

2026.PHHC.002972



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

244

CRM-M-73406-2025

Date of decision: 13th January, 2026

Rajesh @ Vansh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Tushar Gautam, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

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. 54 dated 24.02.2025 registered under Sections 190, 191(3), 115(2), 351(3), 109(1) and 62(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 25 of Arms Act, 1959 at Police Station Mahesh Nagar, District Ambala.

2. As per the allegations, on 23.02.2025, the complainant Amit was sitting outside the shop of his brother Sachin, while his friend Sahil was sitting inside the shop. At that time, the petitioner along with the co-accused and 15-20 other persons unknown to him reached there and started hurling abuses with some malicious intent. On hearing the commotion, Sachin came out of the shop and then all of them opened an attack upon Sahil as well as the

2026.PHHC.002972



complainant and started inflicting blows with the weapons which they were carrying respectfully. On clamour being raised by them, the assailants tried to flee. One of the accused namely Vishal Sonkar fired 4-5 shots with a firearm upon the complainant and his companion with an intent to kill them, but they had narrow escape. While alleging that he could identify the remaining assailants, the complainant prayed for taking action in the matter. The entire incident was captured in the CCTV footage of the camera installed in the vicinity. The petitioner and co-accused Harish were arrested on 27.02.2025. They suffered disclosure statements admitting their involvement in the subject crime. The petitioner got recovered a sword which was used by him at the time of occurrence. The other accused were also arrested subsequently. Investigation now stands completed and challan has been presented.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Neither any specific act nor any injury or specific weapon has been attributed to him. Recovery of sword has been falsely planted upon him. The co-accused Harish @ Harsh, Sahil, Gourav Bagan, Pardeep @ Paddu and Sumit have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. Trial is likely to take time as out of 31 prosecution witnesses none has been examined so far. He has clean antecedents. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Notice of motion.

2026.PHHC.002972



5. Learned State counsel has advance notice of the petition and while placing on record custody certificate of the petitioner, it is argued by him that taking into consideration the gravity of the allegations as levelled against the petitioner and the fact that he was vicariously liable for commission of subject offences, he does not deserve to be released on bail. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner by forming a membership of unlawful assembly with the co-accused is alleged to have opened an attack upon the complainant and his companion on the fateful day and is further alleged to have caused injuries to them. The injuries, however, which have been sustained by the victims had been opined to be simple in nature. Most of the co-accused have been extended benefit of bail. No specific overt act has been attributed to the petitioner. He is in custody since 27.02.2025. He is not required for further investigation. Trial is Obviously to take time to conclude as none of the witness has been examined so far. Taking into consideration the above discussed facts, the clean antecedents of the petitioner, the well settled proposition of law that bail is the rule and jail is an exception and that pre-trial incarceration should not be a replica of post-conviction sentence, this Court is of the considered opinion that a case is made out for release of the petitioner on bail. Accordingly, the petition is allowed and the petitioner is

2026.PHHC.002972



ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. 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.

9. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

13th January, 2026
Parveen Sharma

- | | | |
|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |