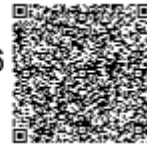


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:029506



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CRM-M-74124-2025 (O&M)
Date of decision:24.02.2026

Kapil

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Narender Singh, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Rajesh Sharma, Advocate for the complainant.

...

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.112, dated 28.05.2025, registered under Section 111(1), 324(2), 190, 191(3), 115(2), 287, 309(4) of the BNS and Section 25 of the Arms Act, at Police Station Sadar Palwal.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by complainant – Jahul Khan, alleging therein that he was a tea and juice vendor and had installed a kiosk near KMP highway. On the evening of 28.05.2025, Pawan Kumar resident of village Jodhpur asked him to supply 10 glasses of juice as per instructions of Bhagat Singh.

Sometime thereafter, the petitioner came to the complainant and asked for giving juice to him. The complainant asked him to pay atleast half of the charges of the juice but he refused to do so and then extended beatings to him. Thereafter, he left, but came again along with his accomplices, who opened an assault on him with iron rods and other weapons, damaged the cameras installed in his kiosk and accused Rajesh even fired a shot with a pistol in the air. Accused Rajesh was apprehended by the family members of the complainant, who had reached at the spot. The assailants also caused injuries to his family members. The petitioner and his accomplices took away money kept in his chest and then fled.

3. After registration of the FIR, investigation proceedings have been initiated and 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, Palwal vide order dated 22.12.2025.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The allegations against him are quite vague and improbable. The complainant and other injured, who are mother and sister respectively of the complainant have been examined during the trial and have not supported the prosecution version at all. A compromise has also been effected between the complainant and himself. An affidavit (Annexure P-3) has also been sworn by the complainant in this regard. No specific role or injury has been attributed to him. He is ready to join investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, argued that the petitioner deserves to

be extended the benefit of bail.

5. Power of attorney on behalf of the complainant has been filed. Learned counsel for the complainant has not raised any serious objection to the allowing of the petition and has admitted that an affidavit at Annexure P-3 has been sworn by the complainant.

6. Learned State counsel, however, has vehemently argued that there are serious and specific allegations against the petitioner, who was seen causing injuries to the victim in the CCTV footage of the camera installed at the place of occurrence. The petitioner is yet to join investigation. The statements of the witnesses recorded in the case of co-accused have no bearing in this case. For conducting thorough and proper investigation in the matter, custodial interrogation of the petitioner is must. It is, therefore, stressed that the petition does not deserve to be allowed.

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

8. The petitioner by forming membership of an unlawful assembly with the co-accused, is alleged to have voluntarily caused injuries to the complainant and his family members and looted money from him. The firearm injury is alleged to have been caused by co-accused and not to the petitioner. Though, no relevance can be given to the affidavit shown to be sworn by the complainant and to the statements of the complainant and other witnesses recorded before the trial Court in the trial of co-accused, however, taking into consideration the fact that no specific injury has been attributed to the present petitioner, the nature of injuries as well as attendant facts and circumstances, this Court is of the considered opinion that no case for pre-

trial incarceration of the petitioner is made out. It is well settled proposition of law that pre-trial incarceration should not be a replica of post conviction sentencing. As such, 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 bail on furnishing personal as well surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNS.

9. It is, however, clarified that nothing stated above shall have any bearing on the merits of the case.

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

24.02.2026

harjeet

**(MANISHA BATRA)
JUDGE**

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