



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228

CRM-M-14869-2025

Date of Decision : 24.09.2025

ANSHUL ALIAS KHANNA

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Ravinder Bangar, Advocate
for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

AARADHNA SAWHNEY, J. (ORAL)

1. This is third petition for grant of bail under Section 483 BNSS, 2023 filed by the petitioner, who is one of the accused in case FIR No.135, dated 12.06.2023, registered against him and others, at the instance of Avinash, son of Kaushal Kumar, at Police Station Radaur, District Yamuna Nagar, u/s 323, 324, 452, 506 read with Section 34 IPC (Section 307 IPC added later on).

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

*Avinash, son of Kaushal Kumar, running a shop of car accessories under the name and style of "Nasib Car" at Guga Madi, Radaur, set the criminal law in motion by filing a complaint, pointing therein that at about 08:20 PM on 12.06.2023, he and his friend, namely, Vijay, son of Udayveer were present at his shop when **Anshul @ Khanna (present petitioner)**, accompanied by Lavish and Himanshu arrived in a white coloured Alto car. They all were armed with swords*



*and gandasi. Without any provocation, Anshul etc. broke down the glass of his (complainant's) shop and trespassed inside. Before he could react, they unleashed an attack. Himanshu hit him (complainant) with a sword on the right side of his head. Expectedly, blood started oozing out from his wounds. **Anshul @ Khanna (present petitioner)** and Lavish hit him with gandasi on his back. When complainant raised hue and cry, people started gathering, on seeing whom, the assailants fled away, but not before issuing a threat to kill him. His (complainant's) friend Vijay immediately made arrangements and rushed him to the Civil Hospital, Radaur.*

Primarily with this backdrop, complainant requested the police officials to caught hold of all those who were involved in this incident, as also to initiate appropriate criminal proceedings against them. On the basis of the said complaint a formal case vide FIR No.135 dated 12.06.2023 was registered under Sections 323, 324, 452, 506 read with Section 34 of IPC. Complainant was medico-legally examined. First Aid was provided. During the course of investigation, statements of witnesses were recorded, CCTV footage from the cameras installed nearby was also obtained, which indicated complicity of petitioner in the incident. Opinion of the treating doctor was sought with regard to the nature of injuries. Based on the medical opinion, Section 307 of IPC was added.

Co-accused Lavish and Himanshu were arrested on 12.07.2023. During interrogation they confessed to their involvement in the commission of offences and got recovered weapons used by them.



On 12.09.2023, Anshul @ Khanna (present petitioner) was arrested, who also admitted to his guilt and got recovered 'sword' used by him in the incident. On competition of investigation, challan was presented.

Petitioner filed an application for grant of bail before the learned Additional Sessions Judge, Yamuna Nagar, which came to be dismissed, in terms of order dated 21.02.2025. Admittedly, the earlier two bail applications of petitioner were dismissed, vide orders dated 21.05.2024 and 05.12.2024 passed in CRM-M Nos.13371 and 59932 of 2024, respectively.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, further even if the allegations as levelled in the complaint was taken to be true at its face-value (though not admitted), the injury declared as '*Dangerous to life*' is not attributed to the petitioner. Moreover, the co-accused, who is alleged to have inflicted 'Life Threatening Injury' to complainant, has since been extended the concession of bail by the co-ordinate Bench of this Court, vide order dated 28.02.2024 passed in CRM-M-53152-2023 (Annexure P-3). Learned counsel further submits that out of 20 witnesses, only 03 witnesses have been examined till date, thus, completion of trial likely to be concluded in near future is quite remote.

In the light of the submissions advanced hereinabove, it has been prayed that lenient view deserves to be taken in favour of petitioner, who has been in custody since 12.09.2023, by extending him the concession of bail as his further incarceration would not serve any useful purpose, more so when he (petitioner) undertakes to abide by all the conditions imposed by the Court, while extending the concession of bail to him.



5. Status Report dated 04.08.2025 by way of affidavit of Mr. Ashish Chaudhary, Deputy Superintendent of Police, Radaur, District Yamuna Nagar filed on behalf of the respondent-State has already been placed on record.

Learned State counsel has opposed the grant of bail to petitioner primarily on the ground that petitioner in furtherance of criminal intention unleashed an attack upon complainant, who suffered serious multiple injuries. Further, in view of the questionable past antecedents of the petitioner, who has remained involved in 18 other criminal cases, in five of which (FIR No.30 dated 22.01.2017, FIR No.96 dated 27.02.2016, FIR No.100 dated 06.03.2017, FIR No.332 dated 25.06.2017, FIR No. 123 dated 02.07.2023), he has already been convicted and is undergoing trial in some of the cases, in case he (petitioner) is extended the concession of bail, there is every likelihood of him fleeing from the process of justice by not appearing in the Court and also influencing/overawing complainant and related witnesses, who have till date not been examined. Dismissal of the bail application has been prayed for.

6. I have heard the learned counsel for the parties and with their able assistance perused the record.

7. Factual aspects of the case leading to the lodging of the FIR have already been noted in para 2 of this order. Admittedly, as per the case of the prosecution, injury attributed to the present petitioner has not been declared as '*Dangerous to life*'. Further, on a perusal of the interim orders, it is apparent that charge in the present case was framed on 13.03.2024. Out of 20 prosecution witnesses, only 03 witnesses have been examined so far. Since then, the case has remained pending for recording evidence of the complainant and other related witnesses, but till date none of them has been examined. When appreciated in the



light of the facts that have been brought on record, the Court is of the opinion that no useful purpose would be served by further detention of the petitioner (who has been in custody since 12.09.2023), as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of “*Bail is a general rule and incarceration is an exception*” as held by Hon’ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

As regards the submission of learned State counsel with respect to the questionable past antecedents of the petitioner is concerned, suffice it would be point out that as per settled law, bail application of the petitioner can solely not be rejected on the ground that he is involved in another case.

Resultantly, petitioner is granted the concession of bail subject to his furnishing two local surety bonds/bail bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner will surrender his passport and will not leave the country without prior permission of the trial Court.
- (ii) The petitioner will not tamper with the evidence during the trial.
- (iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (v) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (vi) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any



- police officer or tamper with the evidence in any manner.
- (vii) The petitioner shall not in any manner misuse his liberty.
- (viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AARADHNA SAWHNEY)
JUDGE

24.09.2025

Nisha Yadav

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>