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

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**CRM-M No.44755 of 2025
Date of Decision: 28.08.2025**

Mahabir ... Petitioner
Versus
State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ankur Malik, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
443	29.05.2024	Sadar Hisar, District Hisar	147, 148, 149, 323, 324, 506 and 120-B of IPC (326 and 307 of IPC added later on)

2. As per the allegations, on 28.05.2024 a telephonic information was received regarding admission of one Harish Kumar in Jindal Hospital, Hisar due to sustaining injuries in some altercation. A police party had reached there and obtained opinion of doctor regarding condition of injured Harish Kumar but he was opined to be unfit to make statement. Thereafter, statement of his brother Kamal Kumar was recorded on 29.05.2024 who stated that on 28.05.2024, he along with the

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victim Harish Kumar had gone to Jalgarh to feed fishes. While his brother was doing so, he had started taking a walk. In the meanwhile, the petitioner accompanied by the co-accused Dayabir and Satpal reached there on a motorbike. They were armed with weapons and opened an attack upon his brother Harish Kumar with their weapons. Thereafter, co-accused Vinod, Kuldeep and wife of Pawan had also reached there and they too extended beatings to his brother. He raised clamour on hearing which, other persons had reached there and then the assailants fled away. He disclosed that there was dispute between the assailants and his brother with regard to temple and there was also election rivalry between them. After registration of FIR, investigation proceedings were initiated. Subsequently, offences under Sections 326 and 307 of IPC were added. The petitioner was arrested on 10.06.2024. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is no specific allegation against him. Same injury on the person of the victim has been attributed to four persons thereby showing the falsity of the prosecution version. There is delay of one day in lodging of the FIR. The complainant stands examined. Trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. He has clean antecedents. It is, therefore, urged that he deserves to be released on bail.

4. Per contra, it is argued by learned Assistant Advocate General, Haryana that keeping in view the gravity of the allegations, the petitioner

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does not deserve to be released on bail.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that assembly, is alleged to have caused simple as well as grievous injuries to the brother of the complainant. The injury sustained on head of the victim had been opined to be grievous in nature. However, the same has not been specifically attributed to the petitioner. The petitioner is in custody since 10.06.2024. The trial will take time as most of the witnesses are yet to be examined. The petitioner has clean antecedents. In the opinion of this Court, no useful purpose would be served by keeping him in custody any more. It is well settled proposition of law that bail is the rule and jail is an exception. In view of the above discussed facts, this Court is of the opinion that the petitioner deserves to be released on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANISHA BATRA)
JUDGE

28.08.2025
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No