

2025:PHHC:116020



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

242

**CRM-M No.28598 of 2025
Date of Decision: 28.08.2025**

Mehtab ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Saleem Ahmed, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

Mr. Surender Singh, Advocate,
for the complainant.

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
403	29.06.2024	Saran, District Faridabad, Haryana	147, 148, 149, 323, 324, 307, 506, 120-B, 212 and 201 of IPC (25 of Arms Act, 1959 added later on)

2. Brief facts of the case relevant for the disposal of the present petition are that the aforementioned FIR was registered on the basis of a complaint lodged by the complainant Pushpa Kashyap alleging that on

2025:PHHC:116020



the night of 28.06.2024, her husband Ravi Kashyap was lying in a folding bed in the street as the power supply had been cut off. She was also sitting nearby. At about 11:45 PM, the petitioner along with co-accused Golu @ Shashi reached there and struck blow with a knife on the person of her husband. Accused Golu was having an ice poker (sua) and he also assaulted her husband with the same. In the meanwhile, accused Golu Wadhwa, Iqbal @ Lala and Sajid reached there and they also caused injuries to her husband with an ice needle. Blood started oozing out of the neck and mouth of her husband. She raised clamour and rushed for his rescue and then the assailants fled away. The injured was rushed to the hospital and was admitted there. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 14.08.2024. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The injury which is opined to be dangerous to life and as sustained by the victim is attributed to other accused as well and it cannot be stated that petitioner caused the same. The co-accused whose case is on similar footing have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. The investigation stands completed. His further incarceration would not serve any useful purpose. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. It is, therefore, urged that the petition deserves to be allowed.

2025:PHHC:116020



4. Per contra, it is argued by learned Deputy Advocate General, Haryana assisted by learned counsel for the complainant that the allegations against the petitioner are serious in nature. He was an active participant in the occurrence and caused simple as well as grievous injuries to the victim one of which has been declared to be dangerous to life. He has criminal antecedents. It is, therefore, urged that he does not deserve to be released on bail.

5. This Court has considered the rival submissions.

6. The petitioner by forming an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, is alleged to have opened an attack on the husband of the complainant on the night of 28.06.2024. Four criminal cases are pending against him and he is on bail in three of such cases. The trial will take considerable time to conclude. His involvement in other cases cannot be considered to be a ground for denying benefit of bail to him. No useful purpose would be served by detaining him in custody any more. Co-accused Rajan @ Golu Shashi and Iqbal have been extended benefit of bail. It is well settled proposition of law that bail is the rule and jail is an exception. Taking into consideration the above discussed facts and circumstances but without meaning to make any comment on the merits of the case lest the same prejudices the case of either of the parties, 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

2025:PHHC:116020



concerned and further subject to the following conditions:-

- (i) He shall not absent himself on any date before the learned trial Court;
- (ii) He shall deposit his passport, if any, with the learned trial Court;
- (iii) He shall give the details of his mobile numbers at the police station concerned and shall not change the same without prior permission of the Court;
- (iv) He shall not delay the trial in any manner.
- (v) He shall not commit any offence while on bail.

7. In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall be at liberty to move an application seeking cancellation of the bail.

28.08.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No