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

257

**CRM-M No.24588 of 2025  
Date of Decision: 12.05.2025**

Rajbir

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Sandeep Singh Ghangas, Advocate,  
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,  
for the respondent-State.

Mr. Kartik, Advocate,  
for the complainant.

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**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:-

<b>FIR No.</b>	<b>Dated</b>	<b>Police Station</b>	<b>Sections</b>
39	12.02.2025	Narnaund, District Hansi	109(1), 115(2), 126(2), 3(5) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS")

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant on 12.02.2025 alleging therein

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that on 26.01.2025, he had gone to Mohabbat Pana Parsh area to smoke Hookah when the petitioner accused reached there and asked him to leave. On refusal by the complainant, he started manhandling him. Then after sometime, when the complainant was going towards his house, the petitioner along with his two sons intercepted him and all three of them opened an assault upon him by giving fist blows, kicks and slaps. He sustained injuries in his abdomen. On clamour being raised, his brother Rajesh rushed for his rescue and then the assailants fled away. He was taken to hospital and was treated. The injury No.1 as sustained by him was opined to be grievous in nature and dangerous to life on 12.02.2025. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 13.02.2025. The investigation now stands concluded and challan has been filed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of 17 days in lodging of the FIR which has not been explained at all. The actual genesis of the occurrence has been suppressed. As per the prosecution case itself, the complainant was fit to make statement on 02.02.2025 but had not recorded it till 12.02.2025. The opinion of doctor qua the nature of the injuries is not a clear opinion. The complainant is an alcoholic. The allegations do not make out any case for commission of offence punishable under Section 109(1) of BNS as against the petitioner. The trial would take considerable time to conclude. His further incarceration would not be of any useful purpose. Accordingly, it is urged that he deserves to be extended benefit of bail.

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4. Notice of motion.

5. Ms. Sheenu Sura, DAG, Haryana has advance notice of the petition. Memo of Appearance on behalf of complainant has also been filed. Learned Deputy Advocate General, Haryana assisted by learned counsel for the complainant has argued that there are serious allegations against the petitioner who along with his sons had assaulted the victim and had caused injuries to the complainant. The injury No.1 has been declared as grievous and dangerous to life. The delay in lodging of FIR stands explained from the contents of the FIR itself. The petitioner is having criminal antecedents and there are chances of his absconding or intimidating the witnesses and committing similar offences if extended benefit of bail. Accordingly, it is stressed that he does not deserve to be given benefit of bail.

6. This Court has considered the rival submissions.

7. The petitioner along with his sons is alleged to have opened an assault upon the complainant on 26.01.2025 and is alleged to have caused injuries to him. The complainant had sustained injuries. As revealed from the contents of FIR itself, the medico legal report of the complainant prepared on 27.01.2025 showed that he had sustained one blunt injury. It was on 05.02.2025 that his bed head ticket was obtained and then on 12.02.2025, he was found to be diagnosed with perforation of ileum which was opined to be grievous in nature and dangerous to life. There is delay of 17 days in lodging of the FIR and it is a debatable question as to whether the perforation of ileum is found on the person of the victim was result of any injury attributed to the petitioner. The petitioner is in custody since

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13.02.2025. The investigation has been completed. Trial has to commence and ofcourse would take considerable time. The petitioner is stated to be involved in three cases. However, that cannot be considered to be a reason for denying the benefit of bail to him. It is well settled proposition of law that bail is the rule and jail is an exception. Given the nature of the allegations and the above discussed facts and circumstances but without meaning to make any comment on the merits of the case, in the considered opinion of this Court, a case is made out for release of the petitioner 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.

**(MANISHA BATRA)**  
**JUDGE**

**12.05.2025**  
manju

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No