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

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**CRM-M No.20235 of 2025
Date of Decision: 01.05.2025**

Rajan @ Golu Shashi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Saleem Ahmed, 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
403	29.06.2024	Saran, District Faridabad	147, 148, 149, 323, 324, 307, 506, 120-B, 212 and 201 of IPC

2. Adumbrated facts as emanating from the record are that the aforementioned FIR was registered on the basis of complaint lodged by the complainant Pushpa Kashyap alleging that on the night of 28.06.2024 her husband Ravi Kashyap was lying on a folding bed outside his house in the street whereas she was sitting there. The electricity supply was

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disrupted at that time. At about 11:45 PM, the petitioner along with co-accused Mehtab reached there and started having a conversation with her husband. Then, accused Mehtab suddenly opened attack upon her husband and caused injuries with a knife whereas the petitioner started striking blows with an ice pin. Accused Iqbal, Sajid and Golu Wadhwa also reached there and they too joined the assailants. She rushed for rescue of her husband but she too sustained injury. Clamour raised by her attracted other persons and then the assailants fled away. While going, accused Mehtab made an exhortation that he would separate the head of her husband from his body. The injured was rushed to hospital. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 01.08.2024. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The version of the prosecution is suffering from material contradictions. The injury on the person of the victim which has been declared to be dangerous to life, has not been attributed to him. He is in custody since long. The trial would take time to conclude. His involvement in other cases cannot be considered to be a ground for denying benefit of bail to him. Accordingly, it is urged that he deserves to be released on bail.

4. Per contra, it is argued by learned Assistant Advocate General, Haryana that there are serious and specific allegations against the petitioner who actively participated in the occurrence and by forming of an unlawful assembly with the co-accused, has caused simple as well as grievous injuries

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to the husband of the complainant and one of these injuries has even been declared to be dangerous to life. He submitted that he has criminal antecedents. There are chances of his absconding or intimidating the witnesses if extended benefit of bail. Accordingly, it is urged that he does not deserve to be extended benefit of 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 two 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. It is well settled proposition of law that bail is the rule and jail is an exception. Taking into consideration the overall above discussed facts and circumstances but without meaning to make any comment on the merits of the case lest the same prejudice 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 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;

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(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.

01.05.2025
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No