

2025:PHHC:071968



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

216

**CRM-M No.63247 of 2024
Date of Decision: 26.05.2025**

Pinki

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aakash Juneja, Advocate,
for the petitioner (through Video Conferencing).

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
241	21.04.2024	Krishna Gate, Thanesar, Kurukshetra, District Kurukshetra	148, 149, 186, 323, 332, 353 and 506 of IPC (326, 323 and 427 of IPC added later on)

2. As per the allegations, on 21.04.2024, on receipt of EVT, at the police station, the given number was called and one Sharda informed the police that some miscreants were assaulting her son. The police party rushed towards the informed place. Brickbats were being exchanged amongst members of both the parties. One brick was thrown on the

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official vehicle of the police due to which its windowpane was damaged. Extra police force was sent. The abovesaid Sharda again made a call to the police informing that one Machimar had opened an attack upon her house and along with the others had extended beatings to her son. When the police party reached there, several persons found present on the roofs of the houses. They started throwing bricks. One of such bricks hit SI Rishi Pal and he sustained serious injuries. FIR was registered against unknown persons. Investigation proceedings were initiated. During investigation, accused Akash and Harsh @ Abhi were identified by the complainant as the persons who had opened attack. They were arrested. Subsequently, the petitioner along with the co-accused has also been nominated as such. He was arrested and is in custody since 27.06.2024. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not named in the FIR. No specific act has been attributed to him. He was not seen in the CCTV footage which was of the incident, which had been collected during investigation. His name has been incorporated on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. He has clean antecedents. His further incarceration would not serve any useful purpose. Therefore, it is urged that he deserves to be released on bail.

4. Status report has been filed. Learned Assistant Advocate General, Haryana has submitted that in the incident, the eye of police official SI Rishi Pal has been damaged and he was operated upon. The petitioner

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was part of unlawful assembly and had vicarious liability. The allegations against him are serious in nature. As such, it is urged that he does not deserve to be released on bail.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused is alleged to have formed membership of unlawful assembly and in prosecution of common object thereof, he is alleged to have caused simple as well as grievous injuries. By throwing brickbats, SI Rishi Pal had sustained injuries and he had lost sight of his eye. However, this injury has not been specifically attributed to the petitioner. He was not even named in the FIR. He is in custody for over a period of 11 months. The trial will take considerable time since only two witnesses have been examined. The subject offences are triable by Magistrate. Keeping in view the above discussed facts and circumstances but without meaning to make any comment on the merits of the case lest the same prejudices the trial, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

26.05.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No