

**IN THE COURT OF NAVENDU JAIN
ADDITIONAL SESSIONS JUDGE, FATEHABAD
(UID: HR0684)**

C.N.R. No.HRFT01-006932-2026

C.I.S. BA No. 1786-2026

Date of Institution: 11.08.2026

Date of Order: 19.08.2026

Sachin aged about 24 years son of Shri Sadhu Ram, resident of Dhani Bhojraj, Tehsil Tohana, District Fatehabad.

.....Applicant-accused

Versus

State of Haryana

....Respondent

F.I.R. No.95 dated 25.04.2026

Under Sections: 109(1), 115(2), 333, 351(2),
3(5), 238, 61(2) BNS

Police Station: Bhuna

Application for Regular Bail under Section 483 BNS

Present: Sh. Rajat Kalsan, Advocate, for the applicant-accused.
Sh. Surinder Singh Ld. Public Prosecutor for the respondent-
State assisted by Sh. Rohit Sharma, Advocate for
complainant.

ORDER:

This Regular bail application has been filed in the
aforementioned F.I.R., by accused, registered under Sections 109(1),
115(2), 333, 351(2), 3(5), 238, 61(2) BNS. On notice, learned Public
Prosecutor for the State has appeared and filed reply.

FACTS OF THE CASE

2. Brief facts of the case relevant for the purpose of disposal of this
application are that present case was registered on the statement so made

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by complainant Rajesh, son of Bishna Ram, resident of Dhani Bhojraj, District Fatehabad. It has been alleged therein that he is resident of above-mentioned address and engaged in the business of running a grocery (Kirana) shop in the said village. On 24.04.2026, a dispute had arisen between Sadhu Ram and Subhash. Being a Panchayat Member and with the bonafide intention of amicably resolving the dispute, he approached the parties concerned in order to mediate and facilitate a compromise between them. However, sons of Sadhu Ram took objection to his intervention and openly threatened him by stating that they would teach him a lesson and kill him. Due to the said incident, they started harboring enmity and grudge against him. Thereafter, on the same day, i.e., 24.04.2026, at about 07.00-07:30 p.m., when he was present at his grocery shop, accused Sachin, son of Sadhu Ram and Ankit, son of Jagdish, arrived at his shop on a motorcycle. Immediately upon arriving, accused Sachin entered his shop in an aggressive manner, challenged and abused him, and with a clear intention to kill him, attacked him with an axe. The blow struck his left hand, causing injuries to him. In order to save his life, he somehow managed to pick up a plastic box and thereafter used a chair to defend himself from the attack. At that time, Pawan, son of Chhabildas, who was sitting outside the shop, raised an alarm upon witnessing the occurrence. On hearing the alarm and seeing people gathering, accused persons fled away from the spot on their motorcycle. While fleeing, they further extended threats to kill him and his family members, thereby creating a grave and continuing threat to their lives and

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safety. Thereafter, he immediately went to Government Hospital, Bhuna, where he received medical treatment for the injuries sustained during the incident. The entire occurrence has been captured in the CCTV cameras installed inside his shop, and the video footage of the incident is available in his possession, which can be produced before the investigating agency as evidence. He prayed for taking legal action against accused persons.

Investigation was carried out. During investigation, medical records of injured as well as CCTV footage were collected and taken into police possession vide separate memos. Applicant-accused along with co-accused were arrested, who on interrogation, got recorded disclosure-statements regarding their involvement in the present case and got recovered the Scooty AF used in the commission of offence. During further investigation, Sections 61 (2) and 238-A of BNS were added in the FIR.

3. I have heard the learned counsel for the applicant/accused as well as learned Public Prosecutor for the respondent/State.

Arguments advanced by learned counsel for the applicant/accused

4. The learned counsel for the applicant/accused has argued as per the pleas taken in the bail application. The accused is in custody since 30.04.2026 and recovery was got effected from the applicant-accused. It is further submitted that investigation in the present case has already been completed qua applicant-accused and challan/final report is submitted before the Court on 17.06.2026. It is further submitted that the trial of the

case will take long time and the accused is ready to abide by the terms and conditions of regular bail, if granted to him. The learned counsel further invites the attention of the court towards the complete available facts and circumstances on the case record and submits that no prima-facie case is made out against the applicant/accused and being innocent, he deserves the benefit of bail. It is further averred that complainant has already been examined. It is also submitted that the entire story of prosecution is vague and fails to indicate any specific role played by present applicant/accused. Hence, in view of the entire gamut of the prosecution allegations, the applicant-accused deserves the concession of regular bail. As the conclusion of trial will take sufficiently long time so no useful purpose will be served by keeping him in jail. With these arguments, a prayer has been made for granting bail to the applicant/accused.

Arguments advanced by learned Public Prosecutor:

5. On the other hand, learned Public Prosecutor for the State has counter-attacked the contentions of the learned counsel for the applicant-accused by submitting that there has been a nexus of accused persons in the present case and have committed serious offence in the case. It is submitted that accused can temper with the evidence, intimidate the witnesses and there is likelihood of fleeing from justice. It is prayed for dismissal of the regular bail application.

6. In the present case the only question which needs to be examined is that whether there are sufficient circumstances on the case

file which call out to allow the present application for regular bail filed by applicant-accused Sachin.

7. Before advertng to analyse the facts of present case, I deem it apposite to first recapitulate the position a law on issue of Regular Bail.

8. In plethora of judgments the Hon'ble Apex Court has outlined the considerations on the basis of which discretion under section 439 Cr.PC/483 BNSS has to be exercised while granting bail.

In Prasanta Kumar Sarkar Vs Ashish Chatterjee (2010) 14 SCC 496 it was held that:

“It is well settled that, among other circumstances the factors to be borne in mind while considering an application for bail are:

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence,*
- (ii) nature and gravity of offence, severity of the punishment in the event of conviction,*
- (iv) danger of accused absconding or fleeing, if released on bail,*
- (v) character, behaviour, means, position and standing of the accused*
- (vi) likelihood of offence being repeated*
- (vii) reasonable apprehension of the witnesses being influenced and*
- (viii) danger, of course, and justice being thwarted by grant of bail.*

9. This view was again resonated by the Hon'ble Supreme Court recently in **Ms Y vs. State of Rajasthan Criminal Appeal 649 of 2022 DOD 19.04.2022.**

FINDINGS

10. Admittedly, applicant-accused is in custody since 30.04.2026 and recovery of Scooty was already effected from the applicant-accused. That applicant-accused has caused disappearance of evidence by disposing of the Gandasa used in the commission of offence, so Section 238 BNS was added in this case. As per case of the prosecution, allegations against the applicant-accused are that applicant-accused along with his co-accused gave injuries to complainant Rajesh, with sharp-edged weapons. That the applicant-accused have committed in very serious offence. That complainant is yet to be examined, therefore, in view of this, this court is not inclined to grant bail to the applicant-accused at this stage.

11. Hence, in view of the aforesaid discussion but without commenting on the merits of the case, the instant bail application stands dismissed, in the interest of justice.

12. Nothing contained in this order shall be construed as an expression of a final opinion on any of the issues of fact or law arising for decision in this case which shall naturally have to be done by the court once it is seized of the trial.

Pronounced in open Court.
Dated: 19.08.2026

(Navendu Jain)
Additional Sessions Judge
Fatehabad (UID: HR0684)

Note:- Certified that all the Six (6) pages of the Order have been checked and signed by me.

Pronounced in open Court.
Dated: 19.08.2026

(Navendu Jain)
Additional Sessions Judge
Fatehabad (UID: HR0684)

Rajesh Khan, SG-II

(Navendu Jain)
Addl. Sessions Judge, Fatehabad.
UID No.HR0684

Present: Sh. Rajat Kalsan, Advocate, for the applicant-accused.
Sh. Surinder Singh Ld. Public Prosecutor for the respondent-
State assisted by Sh. Rohit Sharma, Advocate for
complainant.

Arguments heard. Vide separate detailed order of even date,
bail application has been dismissed. Papers be tagged with main case file.

Pronounced in open Court.
Dated: 19.08.2026

(Navendu Jain)
Additional Sessions Judge-
Fatehabad (UID: HR0684)

Rajesh khan, SG-II