

SHARIK VS. STATE OF HARYANA

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IN THE COURT OF DR. RAJNI KAUSHAL, ADDITIONAL SESSIONS
JUDGE, YAMUNA NAGAR AT JAGADHRI. (UID No.HR0282).

C.N.R. No.HRYN01-004956-2026
CIS No. BA-1376-2026.
Date of Institution: 15.07.2026
Date of Order: 23.07.2026



Sharik, aged 23 years, son of Julfan, resident of Village Shadipur, District
Yamuna Nagar.

...Petitioner-accused

Versus

State of Haryana.

...Respondent

F.I.R. No.419, Dated 08.12.2025
Under Sections: 115, 190, 191(3), 109(1) and 351(2) of BNS,
2023
Police Station: Sadar Yamuna Nagar.

**2nd Application for Regular bail under Section 483 BNSS,
2023 akin to erstwhile section 439 Cr.P.C., 1973.**

Argued by:

Sh. Amandeep Singh, Advocate for petitioner-accused.
Shri Arshdeep Singh, learned Public Prosecutor for the
respondent/State.

ORDER:

The present petition under Section 483 of BNSS, 2023, for
grant of regular bail has been filed by the petitioner-accused, namely,
Sharik, through his counsel, in the FIR detailed above. This is second
application for grant of regular bail moved on behalf of petitioner-accused
and his first application for regular bail was dismissed by this Court, vide
order dated 25.06.2026.

(Dr. Rajni Kaushal)
ASJ, Jagadhri/23.07.2026.
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2. On notice, learned Public Prosecutor for the State has appeared and filed reply.

FIR Version:

3. As per police report, on 07.12.2025, online rukka was received from Civil Hospital, Yamuna Nagar regarding injured Haseen having been admitted in the hospital due to injuries suffered by him in a quarrel and having been referred to PGI, Sector 12, Chandigarh. On 08.12.2025, information was received from PGI, Sector 12, Chandigarh, that Haseen was admitted in the said hospital and police official may be sent. On this, SI Imtiaz Ali reached there and submitted an application to the doctor for seeking opinion for recording the statement of the injured. The doctor reported injured Haseen 'unfit' for making his statement. On this, SI Imtiaz Ali reached the house of Samad (complainant) where Samad met him and submitted the application for taking legal action against Sadik @ Angrej, Sahil, Naushad, Shoyab, Jelly, Sharik, Sakib, Ashik and their five other companions. The complainant Samad averred that on 07.12.2025, at about 2:00 p.m., he and his brother Sakib were standing outside their house. At that time, Sharik and Sahil came there. Sharik was armed with Binda. He gave blow with the said Binda upon the head of his brother with intention to kill him. His brother Sakib raised his hand above his head and the Binda hit on his arm. The other Binda blow hit on the right side of his nose. Sahil gave leg blows on his chest and

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stomach. Due to this, Sakib fell down on the ground and both of them gave leg and fist blows to him. The complainant raised alarm 'Maar Diya - Maar Diya'. He intervened to save his brother. In the meantime, Talib also came there, who was present in the house at that time. On this, accused Sahil and Sharik went away from the spot proclaiming that they will kill him 'today' only. Shakib was got medico-legally examined in Civil Hospital, Yamuna Nagar. On the same day i.e. during evening of 07.12.2025, the complainant along with his relatives namely Talib and Haseen went for walk in their street, after taking meals. At about 7:00 p.m., when they reached near the shop of 'Deepak Tailor' in Masjid Wali Gali, then some boys came in Swift car of Akash and some on motorcycles. Sahil was armed with kulhari (axe) whereas other persons were armed with dandas. One of them was armed with a sharp edged weapon. Sahil gave kulhari blow on the head of the complainant whereas the other boys gave blows to Talib on his right ankle, chest and thumb of right hand. When they tried to save themselves and attempted to catch hold of the assailants, then the companions of the assailants, who were witnessing the incident while standing at some distance, came running to rescue their companions. Sadik was armed with kulhari (axe). He gave many blows on the head of Haseen with kulhari (axe) with intention to kill him. Umair, Shoyab and Naushad were armed with bindas. They along with their companions gave number of blows to Haseen with bindas, leg

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and fist blows. They left Haseen at the spot presuming him to be dead. Their other companions namely Sadik @ Angrej, Sahil, Jelly, Sharik, Sakib, Akash, Ashik and others, whom the complainant could recognize on coming before him, gave danda, leg and fist blows to the complainant and Talib. They snatched purse from the pocket of the complainant, which contained Rs.1,200/- and his identity card etc. They raised alarm 'Maar Diya - Maar Diya'. On seeing the persons gathering there, the assailants fled from the spot and extended threat that they will kill the complainant party. While going away, they also gave blows with Desi Katta with intention to kill them but they escaped narrowly. The complainant called on helpline '112', which came at the spot. The officials of '112' called ambulance at the spot, which took them to Civil Hospital where they were medico legally examined and treated. Due to serious condition of Haseen, he was referred to PGI, Chandigarh. On this, the present FIR was registered.

Contentions on behalf of the applicant-accused:

4. It has been argued by the learned counsel for the applicant-accused that the applicant-accused has been falsely implicated in the present case and he has not committed any offence. Further argued that no specific injury has been attributed to the applicant-accused. Further argued that there is CCTV footage of the occurrence, wherein applicant-accused is nowhere present at the place of scene. Further argued that this is second

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application for regular bail filed on behalf of petitioner-accused and his first application for regular bail was dismissed by this Court, vide order dated 25.06.2026, but since then, much water has flown as period of incarceration of petitioner-accused has increased. Further argued that petitioner-accused is incarcerating in custody since 06.06.2026. Nothing has been recovered nor anything has to be recovered from the applicant-accused and thus, his further custodial interrogation is not required. Further argued that investigation qua the petitioner-accused has been completed and supplementary challan qua him has been submitted in the Court. Further argued that main accused Sahil as well as co-accused Sadik, Ifzal @ Jelly, Noushad have already been granted the concession of regular bail by the Court and the case of applicant-accused on being parity with the co-accused, who have been given concession of bail, he is entitled to be enlarged on bail on parity basis. Hence, it has been prayed that the applicant-accused may be admitted to the concession of regular bail.

Contention of the learned Public Prosecutor:

5. On the other hand, bail application has been opposed by learned Public Prosecutor for respondent-State submitting that keeping in view the nature and gravity of offence, applicant-accused is not entitled to the concession of bail. Further argued that applicant-accused has been specifically named in the FIR. Further argued that the case of applicant-

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accused is not on parity with the co-accused, who have already been granted the concession of regular bail as applicant-accused has been specifically named in the FIR and specific role has been attributed to him and the custody of the applicant-accused is not at parity with other co-accused, who have been given concession of bail and thus, applicant-accused is not entitled to bail on the basis of parity. Hence, it has been prayed that bail application of applicant-accused may be dismissed.

Analysis of the Court:

6. The rival contentions of the learned counsel for the petitioner-accused and Learned Public Prosecutor for the respondent-State, have been weighed. Record also perused carefully.

7. The petitioner-accused Sharik has approached this court seeking the benefit of regular bail. It is axiomatic on the perusal of the file that applicant-accused alongwith co-accused has been booked for the commission of offences punishable under Sections 115, 190, 191(3), 109(1) and 351(2) of BNS, 2023. The specific role of causing injury constituting offence under Section 109(1) has been attributed to other co-accused Sahil, who has already been admitted to bail by the Court of Shri Rajneesh Kumar, learned Additional Session Judge, Yamuna Nagar at Jagadhri, vide order dated 20.05.2026. The petitioner-accused is incarcerated in custody since 06.06.2026. Investigation qua the petitioner-accused has been completed and supplementary challan qua him has been

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submitted in the Court on 13.07.2026. No doubt, earlier bail application filed on behalf of petitioner-accused was dismissed by this Court, vide order dated 25.06.2026, but since then, much water has flown in as much as, investigation qua petitioner-accused has been completed, supplementary challan qua him has been submitted in the Court and the period of his incarceration has increased. Further, no criminal antecedents of petitioner-accused have been disclosed by the prosecution and except the present case, no other case is pending against the petitioner-accused. In such circumstances, no useful purpose would be served by detaining the petitioner any more as trial of the case is likely to take time in its conclusion. Further, allegations against the petitioner-accused are yet to be tested during the course of trial.

8. Keeping in view of the aforesaid facts and totality of circumstances and without commenting on the merits of the case, the present bail application is hereby **allowed** and the petitioner-accused is admitted to bail on his furnishing personal bond **in the sum of ₹1,00,000/- with one surety** in the like amount to the satisfaction of the Area/Duty Magistrate, subject to following terms and conditions that:

(i) that petitioner/accused shall furnish copy of passport, if any, before the Court and shall not leave the country without seeking prior permission from the Court till conclusion of trial. In case, petitioner/accused does not hold any passport, then he shall furnish undertaking in the shape of an affidavit in this regard,

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(ii) that petitioner/accused shall appear before the Court on each and every date of hearing.

(iii) that petitioner/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to tamper with the evidence.

9. As provided under Rule 15(iii), Chapter 10 of Punjab and Haryana High Court Rules and Orders, Volume-III, soft copy of this order be supplied forthwith to the petitioner/accused who is confined in Jail, through Jail Superintendent, through e-mail.

10. File be tagged with the main case file, after due compliance.

Pronounced in open Court
Dated: 23.07.2026

(Dr. Rajni Kaushal)
Additional Sessions Judge
Yamuna Nagar at Jagadhri
(UID No. HR0282)

Note: All 8 pages of this order have been dictated, checked and signed by me.

(Dr. Rajni Kaushal)
ASJ, Jagadhri/23.07.2026.
(UID No. HR0282)

Papli Kumar

(Dr. Rajni Kaushal)
ASJ, Jagadhri/23.07.2026.
UID No.HR0282