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

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Date of decision: 13th May, 2026

Jatin Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. R.S. Kundu, Advocate for the petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 287 dated 01.10.2024 registered under Sections 115(2), 126(2), 118(1), 351(2), 191(3), 190, 117(2), 109(1) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Hathin, District Palwal.

2. The aforementioned FIR was registered on the allegations that on 26.09.2024, the co-accused Rohan, Paras and Anil had intercepted the complainant Tarun while he was going on his motorbike and had reached near the chaupal of his village. They started hurling abuses to him. They also called the petitioner and co-accused Vicky, Lokesh and Naresh at the same spot who reached there being armed with weapons. Accused Vicky opened an assault



upon the complainant while proclaiming that the complainant should be killed. The petitioner and others also assaulted him with respective weapons carried by them. The petitioner struck a blow with *farsa* on his head. They also gave kicks and fists blows to him and thereafter, he was left in a critical condition. He was taken to hospital and remained under treatment till 28.09.2024 when he reported the matter to the police.

3. After registration of FIR, initially a case under Sections 115(2), 118(1), 126(2), 190, 191(3) and 351(2) of BNS was registered. Subsequently, offences under Sections 109 and 117(2) of BNS were added. The petitioner was joined into investigation on 13.10.2025 and was formally arrested. On interrogation, he suffered disclosure statement admitting his involvement in the crime and disclosed that he along with the co-accused had assaulted the victim Tarun by striking blows with *lathi*, *danda* and spade. He got recovered the spade used by him in the crime. Subsequently, co-accused Rahul @ Rohsan was also arrested. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted upon him. It was the complainant party, who was the aggressor. There is a considerable delay in lodging of the FIR which has not been explained. It is a case of version and cross version as he too sustained injuries in the same incident but since FIR was not registered, a complaint under Section 156(3) of Cr.P.C. has been filed which is pending before the trial Court. The investigation now stands concluded. The trial will take considerable time to conclude. His



antecedents are clean. No useful purpose would be served by detaining him in custody anymore. It is, therefore, argued that the petition deserves to be allowed.

5. *Per contra*, learned State counsel while relying upon the status report has vehemently argued that taking into consideration the gravity of the allegations as levelled against the petitioner and the fact that the injured Tarun had sustained injuries which have been declared to be dangerous to life, the petitioner does not deserve to be extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

7. The petitioner by forming membership of an unlawful assembly with the co-accused is alleged to have voluntarily caused simple as well as grievous injuries on the person of the injured with an intent to kill him. The allegations make out a *prima facie* case for commission of subject offences against him. However, he has been in custody for a period of over 07 months. His pre-trial incarceration is no more required. There are no chances of conclusion of trial in near future. No fruitful purpose would be served by detaining him in custody anymore. It is well settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentencing and that bail is the rule and jail is an exception. The object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor preventive and the deprivation of liberty has been considered as a



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punishment. In view of the discussion made above, this Court is of the considered opinion that the petitioner has made out a case for his release on bail. Accordingly, 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 the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

13th May, 2026

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No