220 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-50621-2026
Date of Decision: 11.09.2026

RAJPAL @ RAJU ...Petitioner

Vs.

STATE OF HARYANA ...Respondent

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Hardeep Singh Dhillon, Advocate for the petitioner.
Mr. Ramesh Kumar Ambavta, Additional AG, Haryana.
Mr. Randeep Singh Dhakla, Advocate for the complainant.

VIRINDER AGGARWAL, J. *(Oral)*

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 Cr.P.C.), seeking grant of regular bail to the petitioner in case FIR No. 184 dated 25.05.2026 (Annexure P-1), registered under Sections 110, 115, 118(1), 190, 191(3) and 351(3) of the Bharatiya Nyaya Sanhita, 2023, with Sections 54 and 61(2) of the BNS, 2023, having been added subsequently (corresponding to Sections 308, 321, 324, 149, 148 and 506 IPC, with Sections 114 and 120-B IPC having been added subsequently), at Police Station Pehowa, District Kurukshetra.

2. As per the prosecution, on 25.05.2026, the officials of the Mining Department had visited village Kakrala Gujran for inspecting the excavation of the village pond carried out by complainant Ramesh Kumar, who is the Sarpanch of the village. At the spot, the present petitioner Rajpal @ Raju, along with co-accused Devi Dayal, Gurnam and Sachin, was allegedly present. It is alleged that the accused persons objected to the complainant and threatened to kill him. Thereafter, Sachin allegedly called other co-accused

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persons to the spot, who reached there carrying lathis and gandasis. It is further alleged that co-accused Devi Dayal took a *gandasi* from his son and, after raising a *lalkara*, inflicted a *gandasi* blow on the head of the complainant. The present petitioner Rajpal @ Raju is specifically alleged to have inflicted a *gandasi* blow on the head of the complainant from the reverse side, as a result of which the complainant started bleeding. The other co-accused are alleged to have attacked the complainant with *lathis* and other weapons. On hearing the commotion, persons present at the spot intervened and rescued the complainant, whereafter the accused allegedly fled from the spot while extending threats to kill him. The complainant was medically examined on the same day and three injuries were found on his person, out of which two were opined to be blunt and one sharp. During investigation, CCTV footage was collected. As per the challan, the present petitioner is seen picking up a *gandasi* from the floor and throwing it aside and is thereafter seen slapping and punching complainant Ramesh Kumar and Gyan Chand. No weapon has been recovered from the present petitioner, whereas the alleged recovery of an iron rod/*phali* was effected from co-accused Gurnam Singh. Investigation has been completed and challan/final report has been presented before the learned Trial Court on 21.07.2026.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and that there is no specific allegation against him warranting his continued incarceration. It is submitted that although the petitioner has been named in the FIR, the specific role attributed to him in the challan is based upon the CCTV footage, according to which he is allegedly seen picking up a *gandasi* from the floor and throwing it

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aside and thereafter slapping and punching the complainant Ramesh Kumar and Gyan Chand. No weapon has been recovered from the petitioner during investigation.

3.1 It is further submitted that the alleged weapon has been recovered from co-accused Gurnam Singh and not from the petitioner. The petitioner himself also sustained injuries in the occurrence, as reflected in his MLR dated 25.05.2026. Learned counsel further submits that the occurrence arose out of existing village rivalry relating to the excavation of the village pond. The petitioner had complained to the Mining Department regarding the alleged excavation beyond the permitted area by the complainant, pursuant to which the Mining Department inspected the spot and subsequently submitted a report dated 01.06.2026 regarding illegal mining.

3.2 It is further submitted that the complainant's version regarding the occurrence is not fully corroborated by the CCTV footage and that the officials of the Mining Department had already left the spot before the actual quarrel took place. It is also submitted that although three injuries were found on the person of the complainant, the same were ultimately opined to be simple in nature and none was declared dangerous to life.

3.3 Learned counsel further submits that co-accused Devi Dayal, against whom a specific allegation of inflicting a *gandasi* blow on the head of the complainant has been attributed in the FIR, has already been granted the concession of regular bail by this Court in CRM-M-47116-2026 vide order dated 09.09.2026. It is contended that the case of the present petitioner deserves consideration on the principle of parity, particularly when no weapon

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has been recovered from him and his specific role is also required to be established on the basis of the CCTV footage and other evidence during trial.

3.4 It is lastly submitted that the petitioner was arrested on 26.05.2026, the investigation already stands completed, challan has been presented on 21.07.2026 and the petitioner is no longer required for custodial interrogation. The petitioner has remained in custody since 26.05.2026, has no other criminal case against him and undertakes to abide by all the conditions imposed by this Court.

4. Notice of motion.

5. Mr. Ramesh Kumar Ambavta, Additional AG, Haryana, has put in appearance on behalf of the respondent-State and has filed the custody certificate dated 10.09.2026, which is taken on record, subject to all just exceptions. As per the custody certificate, the petitioner has already undergone a total custody period of 03 months and 14 days. Mr. Randeep Singh Dhakla, Advocate puts in appearance on behalf of the complainant and has filed his Vakalatnama, which is taken on record.

6. Learned State counsel assisted by counsel for the complainant opposes the prayer for bail and submits that the petitioner is specifically named in the FIR and is attributed the role of inflicting a *gandasi* blow on the head of the complainant. It is further submitted that the CCTV footage collected during investigation shows the petitioner picking up a *gandasi* and thereafter slapping and punching the complainant. The medical evidence also corroborates the occurrence. The plea of village rivalry is a matter of defence and is to be considered during trial.

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7. Be that as it may, considering that the petitioner has been in custody since 26.05.2026, investigation stands completed and challan has already been presented before the learned Trial Court on 21.07.2026, no useful purpose would be served by keeping the petitioner in further custody. Though the petitioner is attributed a role in the FIR of inflicting a *gandasi* blow on the head of the complainant, the CCTV footage, as relied upon in the challan, shows the petitioner picking up the *gandasi* from the floor and throwing it aside and thereafter slapping and punching the complainant and Gyan Chand. Significantly, no weapon has been recovered from the petitioner. The injuries sustained by the complainant have also been opined to be simple in nature. Further, co-accused Devi Dayal, against whom a specific allegation of inflicting a *gandasi* blow on the head of the complainant is also attributed, has already been granted regular bail by this Court in CRM-M-47116-2026 vide order dated 09.09.2026. The question regarding the precise role of the petitioner and the evidentiary value of the CCTV footage is ultimately to be considered during trial.

8. Reliance is placed upon the judgment of the Hon'ble Apex Court in *Dataram Singh v. State of Uttar Pradesh & Another*, 2018 (2) R.C.R. (Criminal) 131, wherein it has been held that grant of bail is the rule and refusal thereof is an exception, and that a person is presumed to be innocent until proven guilty. It is further submitted that the right to speedy trial forms an integral part of the right to life and personal liberty guaranteed under Article 21 of the Constitution of India, and the same has been consistently recognised by the Hon'ble Supreme Court, including in *Balwinder Singh v. State of Punjab & Another* (SLO (Crl.) No. 8523/2024). In these

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circumstances, continued incarceration of the petitioner would serve no useful purpose, particularly when the trial can be effectively safeguarded by imposing appropriate conditions.

9. Accordingly, the present petition is allowed, and the petitioner is ordered to be admitted on regular bail, subject to furnishing requisite bail and surety bonds to the satisfaction of the learned Chief Judicial Magistrate concerned/Illaqa Magistrate/Duty Magistrate, as the case may be, and further subject to the following conditions:-

1. The petitioner shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts before the Court or to the investigating agency.

2. The petitioner shall not tamper with the prosecution evidence in any manner whatsoever, nor shall attempt, directly or indirectly, to influence, intimidate, or contact any prosecution witness.

3. The petitioner shall not leave the territorial limits of India without obtaining the prior permission of the learned Trial Court. In the event he is in possession of a passport, he shall furnish its particulars before the Investigating Officer as well as the learned Trial Court.

4. The learned Illaqa Magistrate/Duty Magistrate, before accepting the bail and surety bonds, shall obtain from the petitioner his permanent residential address as well as present correspondence address, duly supported by appropriate documentary proof. The Investigating Officer shall verify the correctness of the said addresses within 48 hours from the acceptance of the bail bonds and shall place a verification report on the record. In the event either of the addresses is found to be false, fictitious, or incorrect, it shall be open to the prosecution to seek cancellation of the concession of bail in accordance with law.

5. The petitioner shall furnish before the learned Trial Court, either at the time of furnishing the bail bonds or within such period as may be specified by the Court, Permanent Account Number (PAN), Aadhaar Number, particulars of all operative bank accounts, and a declaration disclosing details of immovable properties, if any. Any concealment of material particulars or furnishing of false information shall constitute a valid ground for seeking cancellation of bail in accordance with law.

6. The petitioner shall intimate the Investigating Officer as well as the learned Trial Court, in writing, of any change in residential address or mobile number within seven days from the date of such change.

7. The petitioner shall not commit any offence of a similar nature during the pendency of the trial and shall remain present before the learned Trial

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Court on each and every date fixed, unless his personal appearance is exempted in accordance with law. He shall not absent himself from the proceedings without obtaining prior permission of the learned Trial Court. In the event of any violation of the aforesaid conditions or his unauthorized absence from the trial proceedings, it shall be open to the learned Trial Court to proceed in accordance with law, including cancellation of the concession of regular bail and issuance of appropriate coercive process, including warrants of arrest.

(VIRINDER AGGARWAL)
JUDGE

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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