

**(2026) 08 P&H CK 0466**  
**In the Punjab And Haryana At Chandigarh**  
**Case No : CRM-M-42189-2026 (O&M)**

Sihdarth Kumar @ Chakiya

APPELLANT

Vs

State of Haryana

RESPONDENT

**Date of Decision :** 05-08-2026

**Acts Referred:**

Bharatiya Nyaya Sanhita, 2023 — Section 115, 126, 3(5), 351(3), 109(1)

**Citation :** (2026) 08 P&H CK 0466

**Hon'ble Judges :** Shalini Singh Nagpal, J

**Bench :** Single Bench

**Advocate :** Mr. Sourabh Sheoran, Advocate for the petitioner; Ms. Kanica Sachdeva, DAG Haryana

**Final Decision :** Petition allowed; regular bail granted

## Judgement

1. Petitioner seeks regular bail in case arising out of FIR No. 41 dated 01.03.2026 under Sections 115, 126, 3(5), 351(3) Bharatiya Nyaya Sanhita, 2023, Police Station Nangal Chaudhri, District Mahendergarh. Offence under Sections 109(1) BNS was added in the FIR and Sections 110 and 238 BNS were deleted from the FIR during investigation. This is the first petition for regular bail.

2. Complainant alleged that on 24.02.2026, at around 4.45 PM, Siddharth @ Chakia son of Suresh, Lokesh @ Rabri son of Narendra and Narendra son of Rameshwar quarreled with him and abused him. He was separated by passer byes. When he was returning to his house and stopped in front of Shani temple, Siddharth, Lokesh and Narender came with iron rods and attacked him. Lokesh tried to hit him on his head with iron pipe, which hit his hand. Siddharth hit his legs with iron rods and all three of them continued to attack him with intention to kill him. His wife and other women intervened and got him released. His hands and legs were completely broken. Lokesh and Siddharth had many cases registered against them.

3. Learned counsel for the petitioner submits that co-accused namely Narender

had been released on anticipatory bail by this Court vide order dated 14.07.2026. Initially, the police invoked only Sections 115, 126, 3(5), 351(3) BNS and later on, the offence under Section 109(1) BNS (307 IPC) was added in the FIR. The only attribution to the petitioner was blow on leg of the complainant with iron rod, which did not attract the offence under Section 109(1) BNS, being on non-vital part. There was 04 days delay in lodging the FIR. The medical opinion declaring three grievous injuries on legs and little finger, being dangerous to life, was suspicious and petitioner was not shown to have nursed the intention to attract the offence under Section 109(1) BNS. He further submits that similarly situated co-accused namely Lokesh @ Rabadi had already been enlarged on regular bail by this Court vide order dated 16.07.2026. Petitioner, thus, deserved to be enlarged on regular bail.

4. Learned State counsel has opposed the prayer for regular bail arguing that there were specific allegations against the petitioner and the injury attributed to the petitioner was later on, declared dangerous to life. Though investigation in the case was complete, complainant was yet to be examined in the Court. Petitioner was also involved in one more case, on which account he did not deserve the concession of regular bail.

5. Co-accused Narender and Lokesh @ Rabadi have been enlarged on anticipatory bail and regular bail by this Court vide orders dated 14.07.2026 and 16.07.2026 respectively. In view of the ratio of law laid down by Hon'ble Supreme Court in **Prabhakar Tiwari Vs. State of UP and Anr.**2020(1) RCR (Criminal) 831 and **Maulana Mohd. Amir Rashadi Vs. State of U.P. and Others**2012(2) SCC 382, involvement of petitioner in one other criminal case cannot be the sole ground to deny him the concession of bail. Discretion has to be exercised in the facts of a particular case. Investigation in the case is complete. Whether the petitioner nursed the requisite intention to cause death of the complainant is a question, which can be decided only on conclusion of trial, on appreciation of oral and documentary evidence. The fact remains that there is no injury on any vital body part suffered by the complainant. Petitioner is in custody for 05 months. Trial would take some time to conclude. Petitioner has a fixed abode. There is no reason to suspect that he would evade the process of law. In the facts and circumstances of the case, on parity, but without a comment on merits, the petition is allowed. Petitioner is ordered to be released on regular bail subject to his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate.

6. Pending CRM(s), if any, also stand disposed of.