



**234 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRA-S-810-2025

Date of Decision: 07.04.2025

Dushyant and others

..... Appellants

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Kamal Chaudhary, for the appellants.

Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Appellants have approached this Court by way of present appeal for grant of regular bail in a case FIR No.174, dated 13.08.2018, registered under Sections 148, 149, 323, 506 IPC and Sections 3(1)(s) of SC/ST Act, 1989, at Police Station Tigaon, Faridabad.

2. It has been submitted by learned counsel for the appellants that the appellants were falsely and frivolously implicated in the said FIR on the statement of the complainant, namely, Jitender Chandeliya. He submits that the thereafter, the appellants were arrested and were granted bail by learned trial Court vide order dated 29.09.2018. He has submitted that during the trial, the complainant was examined as PW-6 and he did not support the case of the prosecution and hence, he turned hostile. He submits that the appellants were given the impression that the case against them has come to an end. He, thus, submits that under this wrong belief, the appellants did not appear before the trial Court, however, when they received their warrants of arrest, it is then, they came to know that trial in the case was still pending. He submits that the appellants themselves surrendered before the trial Court



on 27.02.2025 and since then they are behind the bars. He has vehemently contended that absence of the appellants was totally unintentional. He has submitted that the appellants have no criminal antecedents and the material witnesses already stands examined. He, thus, submits that in the facts and circumstances, the appellants deserve to be granted bail.

3. Learned State counsel has opposed the submission made by counsel for the appellants. He submits that the appellants had misused the concession of bail granted by learned trial Court and hence, their bail was rightly cancelled by the trial Court. He submits that in all there are five accused out of which two accused were facing trial, whereas, the present appellant remained absent and hence, trial was also prolonged. He further submits that out of total 13 prosecution witnesses, 08 witness have been examined including the complainant. On instructions, he submits that the appellants have no criminal antecedents.

4. After hearing learned counsel for the parties, it is deciphered that after the FIR was registered, the appellants were granted bail by learned trial Court vide order dated 29.09.2018. However, they jumped bail after the complainant has been turned hostile. It is an admitted fact that the appellants themselves thereafter surrendered on 27.02.2025 and since then they are behind the bars. As submitted before this Court, the material witnesses including the complainant already stand examined and out of total 13 prosecution witnesses, 08 witnesses have been examined. There is nothing on record to show that the appellants have any criminal antecedents.

5. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both



the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the appellants succeeds in making out a case for grant of regular bail to the appellants.

6. Accordingly, the present appeal is allowed and the appellants are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

7. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

07.04.2025

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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No