



CRA-S-1364-2025(O&M)

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

212(1)

**CRA-S-1364-2025(O&M)
Decided on: 08.09.2025**

Manoj . . . Appellant(s)

Versus

State of Haryana and another . . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. S.K. Tripathi, Advocate for the appellant.

Mr. Anmol Malik, DAG, Haryana.

Mr. ADS Sukhija, Advocate for respondent No.2.

KIRTI SINGH, J. (Oral)

CRM-35658-2025

This application under Section 528 of BNSS has been filed for addition Section 117(4) of BNS and Section 3(2)(VA) of SC/ST Act in the head note as well as prayer clause of the main petition.

The application is allowed as prayed for. Section 117(4) of BNS and Section 3(2)(VA) of SC/ST Act is added in the head note and prayer clause of the petition. Registry is directed to amend the head note and prayer clause accordingly.

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1. The present appeal has been filed for grant of regular bail to the appellant, by way of challenging the impugned order dated 09.04.2025 passed by learned Additional Sessions Judge, Faridabad vide which the bail application in case FIR No.626 dated 27.11.2024, under Sections 115(2), 191(3), 190, 117(1), 60, 76, 351(2) of BNS and Section 3(1)(5) of SC/ST Act (Section 117(4) of BNS and Section 3(2)(VA) of SC/ST Act added



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lateron), registered at Police Station Saran, District Faridabad, was dismissed.

2. The contents of the aforesaid FIR are reproduced herein below:-

“To Police Chowki Incharge Parvatiya Colony Faridabad Subject regarding assault by drunkards. It is humbly submitted that I am Uttam Chand S/O Kapoor Chand resident Jawahar Colony Block-BH.NO 650, a permanent resident of Parvatiya Colony. Today my son Deepak was returning home from my shop which is situated in Saran Shoe Market with his friend Vishal at around 9.30 pm when he reached the street, there Vinod, Manoj, Yogesh, Sumit, Jabra Khan and Deepak and other people with them who sit in the empty plot in our locality and play drugs and gambling about which my son Deepak has complained many times, Deepak told me that my son Deepak, his friend Vishal, my wife Kamlesh and my daughter Pooja were beaten up by all these people with sticks and iron rods which everyone had in their hands, they brutally beat all of us with them Deepak my son told me that those people were shouting loudly Chamaro Chamatto stay in your limits. You people cannot stop us from doing any wrong thing, you belong to a low caste, we will beat you like this, you cannot do any harm to us. They spoke badly even to my sister Pooja who was at home, they did not even spare my sister, they hit my sister Pooja on her nose with a stick, her nose bone got broken and they also beat my mother mercilessly and said that if you want to save your children then show them their place. A person named Vinod, who was abusing us loudly during the fight and was saying that just like we had given complaint earlier when nothing happened to us, even now nothing will happen to us. We should be given justice, a case should be registered immediately, legal action should be taken against the culprits Applicant Sd/-”

3. Learned counsel for the appellant, inter alia, submits that the



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appellant has been falsely implicated in the present case because of being known to the main accused in the case, to whom majority of the allegations in the commission of the alleged offence have been attributed. Reliance is placed upon the statement of PW-1, which reveals that petitioner though has been named as an accused, but only vague allegations have been levelled against him. It is submitted that the appellant was not even present on the spot at the time of commission of the alleged offence. Even the inclusion of charges under the SC/ST Act is an afterthought. Further, the co-accused Imran has been granted concession of regular bail by this Court vide order dated 29.05.2025 passed in CRA-S-1767-2025. Learned counsel further submits that appellant has clean antecedents and he has undergone an actual custody of 05 months and 19 days.

4. *Per contra* learned State counsel as well as learned counsel for the complainant has vehemently opposed the submissions made by the learned counsel for the appellant. Learned State counsel has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the appellant has undergone actual custody of 05 months 19 days and there is no other case pending against him. He on instructions, submits that charges were framed on 17.03.2025 and out of total of 22 prosecution witnesses, only 01 has been examined till date. He however, submits that in view of the serious allegations against the appellant, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. From a perusal of the case in hand, it transpires that the petitioner is behind the bars since 16.03.2025. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned



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Court and trial of the case has not made much progress, as charges were framed on 17.03.2025 and out of a total of 22 prosecution witnesses only 01 has been examined till date. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in *“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22.*

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present appeal is allowed and the appellant is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The appellant shall also abide by the following conditions:-

(I) The appellant will not tamper with the evidence during the trial.

(II) The appellant will not pressurize/intimidate the prosecution witness(s).

(III) The appellant will appear before the trial Court on the date fixed, unless personal presence is exempted.

(IV) The appellant shall not commit an offence similar to the offence of which she is accused of, or for commission of which he is suspected.

(V) The appellant 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/her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the



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prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

10. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

08.09.2025

Kapil

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No