



CRA-S-2229-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRA-S-2229-2025
Decided on : 30.07.2025

GOPAL

.....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. J.S. Ahlawat, Advocate,
for the appellant.

Mr. Pawan Kumar Jhanda, DAG, Haryana.

Mr. R.D. Rattewal, Advocate,
for the complainant.

SANJAY VASHISTH, J. (Oral)

1. Present appeal has been filed by the appellant – Gopal, by challenging the order/judgment dated 12.06.2025, passed by learned Additional Sessions Judge, Faridabad, whereby, the concession of regular bail was declined, as the plea of regular bail was dismissed without proper appreciation of facts, evidence and settled principle of law. Hence, the appellant is before this Court.

2. Counsel for the appellant submits that all the offences except one allegation attracting the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (in short, 'SC/ST Act'), are triable by the Court of Magistrate. The appellant is stated to be inside jail since 19.04.2025, as he surrendered himself to the law. After completion of investigation, final report has also been submitted vis-à-vis



the appellant and other co-accused, namely Prem Singh @ Toni, and the process of recording statements of the prosecution witnesses shall take considerable time.

3. By referring to the medical report prepared by the Department of Emergency, Jai Prakash Narayan Apex Trauma Centre (A.I.I.M.S.), New Delhi, and also the order by which the bail application of the appellant was dismissed, learned counsel for the appellant argues that injuries have also been suffered by the wife of the appellant and other co-accused persons.

Besides, during the investigation, nothing was recovered from the appellant, and even after submission of the final report, the process of recording of the statements of the prosecution witnesses has not even commenced.

4. Doubting the investigation conducted by the police, learned counsel for the appellant points out that since the instant appeal is for grant of concession of bail to the appellant, there is no legal embargo in entertaining the present appeal for the prayer made therein.

5. The star argument of learned counsel for the appellant is that there was no grievous injury ever declared despite earlier medical examinations of the injured conducted twice. It is only after a period of 1½ months and that too by making a third attempt that one of the injuries was declared as grievous, having been suffered by injured/victims – Neeraj and Tara Chand.

Additionally, counsel for the petitioner submits that co-accused, namely Prem Singh @ Toni, who is similarly situated, has already been granted the concession of regular bail by this Court, vide order dated



14.07.2025, passed in CRA-S-2024-2025. Therefore, petitioner also deserves the concession of regular bail in the present case.

6. On the other hand, learned State counsel has vehemently opposed the submissions addressed by the appellant's counsel. However, he is unable to dispute any of the factual position as explained by counsel for the appellant, including the factum of completion of investigation and submission of final report, and also the fact that the process of recording statements of total 15 prosecution witnesses is yet to be started. Even charges are yet to be framed.

7. Learned counsel for the complainant submits that appellant should not be released on bail as his co-accused are still at large. He further contends that plea for bail may be considered only after the prosecution witnesses have been examined by the trial court. However, the complainant's counsel is unable to point out any specific apprehension of harm, supported by concrete evidence, to justify the denial of the appellant's bail prayer.

He also produces some photographs showing a person who has sustained injuries, with his clothes smeared with blood.

8. This Court has considered the submissions addressed by learned counsel for the parties and has also reviewed the photographs produced by counsel for the complainant, and finds that since the prayer made in the present petition is for grant of regular bail and there is no certainty that appellant suffered any injury dangerous to life, continued incarceration of the appellant is not necessary for any meaningful purpose from the prosecution's standpoint. Except the offence under the SC/ST Act, all other



offences are triable by the Court of Magistrate. Moreover, process of recording statements of the prosecution witnesses is yet to commence and is likely to take considerable time. Therefore, liberty of the accused in such cases should not be curtailed indefinitely without any meaningful purpose.

Additionally, it is also noticeable that there is no such history of the appellant in the past, showing his involvement in any criminal activity.

9. Accordingly, considering the totality of circumstances, and the factors noticed here-above, I deem it appropriate to grant the concession of bail to the appellant.

10. Consequently, prayer made in the present appeal is **allowed**. Appellant is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

11. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

12. Accordingly, appeal is **disposed of**.

(SANJAY VASHISTH)
JUDGE

July 30, 2025

Lavisha

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No