



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

**CRA-S-1685-2025 (O&M)
Date of Decision: 01.07.2025**

JAGTAR SINGH

...Appellant

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. D.S. Virk, Advocate
for the appellant.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Priyavrat Parashar, Advocate
for respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. Present appeal has been filed against the order dated 01.05.2025, whereby, anticipatory bail application filed by the appellant has been dismissed in case bearing FIR No.365 dated 21.12.2023 registered under Sections 302/341/34 of Indian Penal Code and Section 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) (later on Sections 148/149 of IPC deleted and Section 34 of IPC was added) at Police Station Sadar Narwana, District Jind.

2. On 19.05.2025, following order was passed:

“Present appeal has been filed against the order dated 01.05.2025, whereby, anticipatory bail application filed by the appellant has been dismissed in case bearing FIR No.365 dated 21.12.2023 registered under Sections 302/341/34 of Indian Penal Code and Section 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) (later on Sections 148/149 of IPC deleted



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and Section 34 of IPC was added) at Police Station Sadar Narwana, District Jind.

Learned counsel for the appellant inter alia contends that allegedly, four persons have given beatings to the injured Rakesh @ Roki. He further contends that during investigation, the appellant was declared innocent, however, he has been summoned as an additional accused by invoking power under Section 319 Cr.P.C.

Notice of motion returnable for 01.07.2025.

On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana, notice on behalf of respondent No.1-State and waives service.

'Dasti' as well."

3. Mr. Priyavrat Parashar, Advocate has put in appearance on behalf of respondent No. 2 and vehemently opposes the prayer for grant of anticipatory bail to the appellant on the ground that there is a CCTV footage and the presence of the appellant is duly established. As such, he is not entitled to grant of anticipatory bail by this Court. Further, respondent No. 2 has already filed a criminal writ petition bearing No. CRWP-6345-2025, in which the appellant has been specifically impleaded.

4. Having heard learned counsel for the parties and it appears that the appellant was summoned as additional accused under Section 319 Cr.P.C by the learned trial Court. Therefore, in view of the judgments rendered by this Court in ***Baljinder Singh and another vs. State of Punjab*** in CRM-M-13285-2015 decided on 23.07.2015 and ***Karan Singh and others vs. State of Haryana*** in CRM-M-20589-2022 decided on 27.09.2022, custodial interrogation of the appellant is not required as his presence is only required during the course of trial. The appellant has already undertaken to appear before the learned trial Court on each and every date. As such, in view of the



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ratio of law laid down in *Baljinder Singh (supra)* the present petition is allowed.

5. The appellant is directed to surrender before the learned trial Court within a period of 02 weeks and on doing so he shall be released on bail subject to furnishing requisite bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/trial Court concerned.

6. However, in case, the petitioner fails to surrender before the learned trial Court within the stipulated time period, the interim protection granted by this Court shall be deemed to be vacated.

7. Nothing observed herein above shall be construed to be an expression of opinion by this Court on the merits of the case.

01.07.2025
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i> | <i>Yes/No</i> |