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

**CRA-S-2002-2025
DATE OF DECISION: 24.07.2025**

MOHAN**...APPELLANT**

Versus

STATE OF HARYANA AND ANOTHER**... RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Dr. Pankaj Nanhera, Advocate for the appellant.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. This present appeal is filed by the appellant against the impugned order dated 23.05.2025 vide which the regular bail of the appellant filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita in a case bearing FIR No. 517 dated 12.09.2021 under Section 346 of Indian Penal Code and (Sections 302, 201, 364, of Indian Penal Code Act and Section 3, 2(v) of Scheduled Castes/ Scheduled Tribes, Act added later on) registered at Police Station City Ballabgarh, Faridabad, Haryana, has been declined by the learned Additional Sessions Judge, Faridabad. As in the present FIR, Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is there against the present appellant, hence the instant appeal is being filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 (Amendment 2015) seeking regular bail.



2. Learned counsel for the appellant urges that the instant FIR was registered against some unknown persons and the appellant was not named in the FIR. He has argued that the appellant as well as deceased were in relationship with each other but the engagement of deceased was done by her parents under compulsion and she was not happy with this relation undisputedly. Thereafter, the appellant as well as deceased left their house on 11.09.2021 and went to Sonipat and on 12.09.2021, both attempted to commit suicide by jumping into Badwasani canal at Sonipat. The deceased unfortunately succeeded and drowned and died, however, the appellant luckily got saved as his body went to a place in low depth area of canal. He contends that it is a case of suicide.

3. Learned State Counsel on the other hand has received instructions and submits that charges have been framed under Sections 346, 364, 201 IPC and 3(2)(va) of SC/ST Act and offence under Section 302 IPC stands omitted in the framing of charges. He has filed custody certificate of the appellant wherein it is mentioned that the appellant has already undergone custody for a period of 1 year, 6 months and 25 days.

4. He would contend that mere causing violence against member of SC/ST society would tantamount to invocation of offence under Section 3(2)(V) of SCST Act, 1989 and very rightly the name of the appellant has been nominated as an accused and he does not deserve the concession of bail, when there are grave allegations of murder of the deceased. Apart from that he could not add any additional fact as has been argued by learned State Counsel.



5. Be that as it may, after having heard the arguments of both the parties, this Court does not find any support to arguments raised by counsel for the State. Hence, this Court finds no reason to deny the appellant the concession of bail. Therefore, keeping in view of the admitted set of circumstances before this Court, and the facts that antecedents of the appellant are clean, meaning thereby he is not a habitual offender, it is a case of suicide and as per the principle of the criminal jurisprudence, no one should be considered guilty, till the guilt is proved beyond reasonable doubt, whereas in the instant case, challan stands presented on 26.02.2024 charges stands framed on 08.07.2025 out of 20 prosecution witnesses, none has been examined so far which is sufficient for this Court to infer that the conclusion of trial is likely to take considerable time and therefore, detaining the appellant behind the bars for an indefinite period would solve no purpose.

6. Reliance can be placed upon the judgment of the Apex Court rendered in “*Dataram versus State of Uttar Pradesh and another*”, **2018(2) R.C.R. (Criminal) 131**, wherein it has been held that the grant of bail is a general rule and putting persons in jail or in prison or in correction home is an exception. Relevant paras of the said judgment is reproduced as under:-

“2. A fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction



home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society.

3. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case.

4. While so introspecting, among the factors that need to be considered is whether the accused was arrested during investigations when that person perhaps has the best opportunity to tamper with the evidence or influence witnesses. If the investigating officer does not find it necessary to arrest an accused person during investigations, a strong case should be made out for placing that person in judicial custody after a charge sheet is filed. Similarly, it is important to ascertain whether the accused was participating in the investigations to the satisfaction of the investigating officer and was not absconding or not appearing when required by the investigating officer. Surely, if an accused is not hiding from the investigating officer or is hiding due to some genuine and expressed fear of being victimised, it would be a factor that a judge would need to consider in an appropriate case. It is also necessary for the judge to consider whether the accused is a first-time offender or has been accused of other offences and if so, the nature of such offences and his or her general conduct. The poverty or the deemed indigent status of an accused is also an extremely important factor and even Parliament has taken notice of it by incorporating an Explanation to section 436 of the Code of Criminal Procedure, 1973. An equally soft approach to incarceration has been taken by Parliament by inserting section 436A in the Code of Criminal Procedure, 1973.



5. *To put it shortly, a humane attitude is required to be adopted by a judge, while dealing with an application for remanding a suspect or an accused person to police custody or judicial custody. There are several reasons for this including maintaining the dignity of an accused person, howsoever poor that person might be, the requirements of Article 21 of the Constitution and the fact that there is enormous overcrowding in prisons, leading to social and other problems as noticed by this Court in In Re-Inhuman Conditions in 1382 Prisons, 2017(4) RCR (Criminal) 416: 2017(5) Recent Apex Judgments (R.A.J.) 408 : (2017) 10 SCC 658*

6. *The historical background of the provision for bail has been elaborately and lucidly explained in a recent decision delivered in Nikesh Tara chand Shah v. Union of India, 2017 (13) SCALE 609 going back to the days of the Magna Carta. In that decision, reference was made to Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565 in which it is observed that it was held way back in Nagendra v. King-Emperor, AIR 1924 Calcutta 476 that bail is not to be withheld as a punishment. Reference was also made to Emperor v. Hutchinson, AIR 1931 Allahabad 356 wherein it was observed that grant of bail is the rule and refusal is the exception. The provision for bail is therefore age-old and the liberal interpretation to the provision for bail is almost a century old, going back to colonial days.*

7. *However, we should not be understood to mean that bail should be granted in every case. The grant or refusal of bail is entirely within the discretion of the judge hearing the matter and though that discretion is unfettered, it must be exercised judiciously and in a humane manner and compassionately. Also, conditions for the grant of bail ought not to be so strict as to be incapable of compliance, thereby making the grant of bail illusory.”*

7. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as is the mandate of the Apex court in “**Balwinder**



Singh versus State of Punjab and Another”, SLP (Crl.)

No.8523/2024. Relevant paras of the said judgment reads as under:-

“7. An accused has a right to a fair trial and while a hurried

trial is frowned upon as it may not give sufficient time to prepare for the defence, an inordinate delay in conclusion of the trial would infringe the right of an accused guaranteed under Article 21 of the Constitution.

8. It is not for nothing the Author Oscar Wilde in “The Ballad of Reading Gaol”, wrote the following poignant lines while being incarcerated:

“I know not whether Laws be right,

Or whether Laws be wrong;

All that we know who be in jail

Is that the wall is strong;

And that each day is like a year,

A year whose days are long.”

8. Relief

In view of the aforesaid discussions made hereinabove, the appellant is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

The appeal in the aforesaid terms stands allowed.

**(SANDEEP MOUDGIL)
JUDGE**

24.07.2025

anuradha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No