



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

**210**

**CRA-S-2676-2025(O&M)  
Date of Decision: September 26, 2025**

Rakesh Kumar @ Rakesh Kumar Dheer

...Appellant

Versus

State of Haryana and another

...Respondents

**CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

\*\*\*

Present: - Mr.Kartik Khicher, Advocate and  
Ms.Ashika Kalra, Advocate for the appellant.

Mr.Mohit Chaudhary, AAG, Haryana.

Mr.Karan Goyal, Advocate – Legal Aid Counsel  
for respondent No.2 – complainant.

**RUPINDERJIT CHAHAL, J.**

1. Challenge in the present appeal to the order dated 20.8.2025 passed by Additional Sessions Judge Hisar in case FIR No.178 dated 04.06.2025, under Sections 110, 115, 3(5), 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(s), 3(1)(r) of the Scheduled Castes and Scheduled Tribes, 1989 (hereinafter in short as 'SC/ST Act'), Police Station Urban Estate Hisar, District Hisar, whereby, the application of the appellant for regular bail was dismissed.

2. Brief facts of the prosecution case are that the FIR was lodged



on the statement of Pradeep complainant/respondent No.2, who alleged that while he was standing on the roof after taking meal, then his neighbour co-accused Rajesh and his family members started abusing him. They pulled the complainant out, in the meantime the petitioner reached the spot and injuries were caused to the complainant and remarks were made on his caste.

3. Learned counsel for the appellant contends that the appellant has been falsely implicated in the present case and he has no concern with the said offence. He contends that that even if the contents of the FIR are taken to be true, then also, no offence under the provisions of SC/ST Act is made out against the appellant. There are cross-versions of the incident and it was the complainant, who first started pelting stones on the co-accused Rajesh, which subsequently turned into a street fight. The appellant is behind bars since 18.06.2025. The investigation in the case is complete and challan stands presented. Moreover, the appellant has clean antecedents as he is not involved in any other case. Further, two co-accused, Rajesh Kumar and Paras alias Ankit have been granted the concession of regular bail by the trial Court vide order dated 07.08.2025 (Annexure P-5). He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping him behind bars. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the appeal, has filed the custody certificate of the appellant, which is taken



on record. He has vehemently opposed the prayer for bail by submitting that the offence committed by the appellant is serious in nature. However, he has not controverted the fact that appellant is first time offender as he is not involved in any other case.

6. Learned counsel for the complainant has appeared and filed his power of attorney. He has argued that the appellant along with his co-accused used abusive language against the complainant and also gave him beatings. He urged that the appellant does not deserve the concession of bail.

7. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the appellant is in custody for the last more than 3 months, investigation is complete; challan stands presented and the fact that trial may take a long time to conclude and the trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. Keeping the appellant 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.

8. Reliance is placed upon in ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein, Hon'ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle "*bail is a rule*" and "*jail is an exception*".



9. In view of the above, the present appeal is allowed. The impugned order dated 20.08.2025 is set aside and the appellant is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

**September 26, 2025**

gian

**( RUPINDERJIT CHAHAL )  
JUDGE**

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