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

CRA-S-573-2025

Date of Decision:22.05.2025

TUSHAR

...APPELLANT

VS.

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent :- Mr. Sahil Choudhary, Advocate
for the appellant.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Nitish Rajoria, Advocate &
Mr. Karan Bhandari, Advocate
for respondent No.2.

N.S.Shekhawat J. (Oral)

1. The appellant has filed the present appeal against the impugned order dated 17.01.2025 passed by the Court of Additional Sessions Judge, Yamuna Nagar at Jagadhri, in case FIR No.317 dated 20.10.2024, under Sections 191(3), 190, 115, 118(1), 118(2), 126, 351(2) BNS & 3(1)(s) SC & ST Act, registered at Police Station Chhappar, District Yamuna Nagar, whereby the application for grant of regular bail, filed by the appellant was ordered to be dismissed.



2. Learned counsel for the appellant contends that the alleged occurrence had taken place on 19.10.2024, but the FIR has been lodged by the complainant on 20.10.2024, after unexplained delay and the time was utilized in filing a false version against him. He further contends that as per the case set up by the prosecution, the present appellant was carrying a sword and caused injuries on the head of the son of the complainant and hand of the complainant. However, both the injured in the present case have already been discharged from the hospital. After completion of investigation, the challan has already been presented against the appellant, however, no prosecution witness has been examine so far. He further contends that even from the contents of the FIR, no offence under Section 3(1)(s) of Scheduled Caste and Scheduled Tribe is made out against the present appellant and he has been falsely involved in the present case.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the appellant on the ground that he is involved in a serious crime and had caused grievous hurt on the head of son of the complainant and he does not deserve the concession of bail by this Court. He further submits even he had used caste related derogated words and that is crime against society at large.

4. I have heard the learned counsel for the parties and perused the record carefully.

5. In the present case, the present appellant is stated to be in custody since last more than 07 months and the prosecution has not been able to examine even a single witness so far. Even the prosecution has not been able to



place on record any material to show that the appellant is in a position to influence the witnesses of the prosecution or may abscond from the process of law.

6. Without commenting on the merits of the case, the present appeal is allowed and the appellant is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

22.05.2025

vipin

(N.S. SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No