



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

226

**CRA-S-413-2025 (O&M)**

**Date of decision: 04.03.2025**

Lalit Chandila

....Appellant

Versus

State of Haryana and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Mr. Kunal Dawar, Advocate  
with Mr. Rohit Rana, Advocate  
for the appellant.

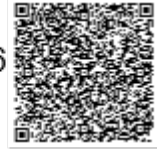
Mr. Harkesh Kumar, AAG, Haryana.

Mr. B.R. Rana, Advocate  
for respondent No.2.

**HARPREET SINGH BRAR J. (Oral)**

1. Prayer in the instant appeal is for setting-aside the order dated 29.01.2025 passed by the learned Additional Sessions Judge, Faridabad, vide which the concession of regular bail to the appellant has been declined. Further prayer has been made to grant the concession of regular bail to the appellant in FIR No.49 dated 03.05.2024, registered under Sections 323, 354-A, 354-B, 354-D, 341, 506, 34 IPC (Sections 354-A, 354-B and 354-D IPC stands deleted and Section 325 IPC and Section 3/33/89 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (in short 'the SC/ST Act', added later on) at Police Station Bhupani, District Faridabad.

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2. The brief facts of the case are that Ms. Sxx, was facing harassment from a boy named Lalit Chandila while attending computer classes at the Computer Institute in Badarpur. Despite her complaints to her family, the harassment continued. On 25.04.2024, while traveling to the institute with her brother Mukesh, they were confronted by Lalit Chandila and two accomplices, Yogesh and Vikas. Lalit Chandila wrongfully restrained them, verbally abused Mukesh, and made caste based remarks. The situation escalated into physical violence, with Lalit and his accomplices attacking Mukesh, leaving him severely injured. Ms.Sxx attempted to intervene but was also assaulted, with Lalit Chandila making inappropriate physical contact and threatening her with rape. When she tried to call for help using her mobile phone, Lalit snatched it away. The situation worsened when Lalit's father arrived, armed with a pistol, and threatened Mukesh while further intimidating them based on their caste. Thereafter, the impugned FIR was registered.

3. Learned counsel for the appellant *inter alia* contends that there is a delay of 08 days in registration of the FIR (supra), which creates a serious dent on the case set up by the prosecution and the appellant is having clean antecedents. Further during the course of investigation, the offences under Sections 354-A, 354-B and 354-D IPC were deleted and it has been concluded in the investigation that the complainant was not present at the spot. The factual ingredients to attract the offence under Section 3 of the SC/ST Act, are not made out at all and this offence was added after a delay of 01 month and the other



co-accused of the appellant namely Yogesh Chandila, has already been granted the concession of regular bail by this Court vide order dated 21.01.2025, passed in CRA-S-129-2025.

4. Learned counsel for the appellant further submits that the other co-accused of the appellant has also been granted the concession of anticipatory bail by this Court on 17.01.2025 passed in CRA-S No.166 of 2025 and the appellant is in custody from the last 03 months and 08 days and challan stands presented; charges are yet to be framed and conclusion of the trial is likely to take some time.

5. *Per contra*, learned State counsel assisted by learned counsel for respondent No.2, opposes the prayer made by learned counsel for the appellant on the ground that the complainant has specifically named the appellant in the FIR (supra) along with co-accused and all the accused including the appellant have inflicted merciless beatings and one of the injury sustained by the injured Mukesh was declared grievous in nature and the appellant is the main accused and he has even made a video recording of the alleged incident, which was circulated on social media.

6. Having heard learned counsel for the parties and perusal of the record, which transpires that the appellant is behind the bar from the last 03 months and 08 days and is having clean antecedents and the co-accused of the appellant have already been granted the concession of bail. The culpability, if any, would be determined at the time of trial. 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.

7. A two Judge Bench of Hon'ble Supreme Court in ***"Satender Kumar Antil vs. CBI"*** (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed as under:

*"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."*

8. Accordingly, without commenting upon the merits of the case, the present appeal is allowed, the order dated 29.01.2025 is set-aside and the appellant Lalit Chandila is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

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9. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**04.03.2025**  
*yakub*

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