



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

210

CRA-S-2024-2025

Decided on : 14.07.2025

Prem Singh @ Toni

... Appellant(s)

Versus

State of Haryana and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Jasbir Singh Ahlawat, Advocate
for the appellant(s).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. R.D. Rattewal, Advocate
for the complainant.

SANJAY VASHISTH, J. (Oral)

1. Present appeal has been filed by the appellant – Prem Singh @ Toni, by challenging the order/judgment dated 13.05.2025, passed by learned Additional Sessions Judge, Faridabad, whereby, the concession of regular bail was declined, as the plea of regular bail was dismissed without proper appreciation of facts, evidence and settled principle of law. Hence, the appellant is before this Court.

2. Counsel for the appellant submits that all the offences except one allegation attracting the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (in short, 'SC/ST Act'), are triable by the Court of Magistrate. The appellant is stated to be inside jail since 19.04.2025, as he surrendered himself to the law. After completion of investigation, final report has also been submitted vis-à-vis the appellant and



other co-accused, namely Gopal, and the process of recording statements of the prosecution witnesses shall take considerable time.

3. By referring to the medical report prepared by the Department of Emergency, Jai Prakash Narayan Apex Trauma Centre (A.I.I.M.S.), New Delhi, and also the order by which the bail application of the appellant was dismissed, learned counsel for the appellant argues that injuries have also been suffered by the wife of the appellant and other co-accused persons.

Besides, during the investigation, nothing was recovered from the appellant, and even after submission of the final report, the process of recording of the statements of the prosecution witnesses has not even commenced.

4. Doubting the investigation conducted by the police, learned counsel for the appellant points out that since the instant appeal is for grant of concession of bail to the appellant, there is no legal embargo in entertaining the present appeal for the prayer made therein.

5. The star argument of learned counsel for the appellant is that there was no grievous injury ever declared despite earlier medical examinations of the injured conducted twice. It is only after a period of 1½ months and that too by making a third attempt that one of the injuries was declared as grievous, having been suffered by injured/victims – Neeraj and Tara Chand.

6. On the other hand, learned State counsel has vehemently opposed the submissions addressed by the appellant's counsel. However, he is unable to dispute any of the factual position as explained by counsel for the appellant, including the factum of completion of investigation and



submission of final report, and also the fact that the process of recording statements of total 15 prosecution witnesses is yet to be started. Even charges are yet to be framed.

7. Learned counsel for the complainant submits that the appellant should not be released on bail because his other co-accused are still at large. He also submits that the plea of releasing the appellant on bail may be considered, only after examination of the prosecution witnesses by the trial Court. However, complainant's counsel is unable to point out any specific apprehension of suffering any harm, supported with some substance, for not allowing of the prayer of bail of the appellant.

8. I have considered the submissions addressed by learned counsel for the parties and is of the view that any longer incarceration of the appellant is not even required for any meaningful purpose by the prosecution. Except for the SC/ST Act, all other offences are triable by the Court of Magistrate. Besides, the process of recording statements of the prosecution witnesses shall take considerable time, as it is yet to commence. Therefore, liberty of the accused persons in such like cases need not be curtailed for an indefinite period without there being any meaningful purpose.

Additionally, it is also noticeable that there is no such history of the appellant in the past, showing his involvement in any criminal activity.

9. Accordingly, considering the totality of circumstances, and the factors noticed here-above, I deem it appropriate to grant the concession of bail to the appellant.

10. Consequently, prayer made in the present appeal is **allowed**.



Appellant is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

11. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

12. Accordingly, appeal is **disposed of**.

(SANJAY VASHISTH)
JUDGE

July 14, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No