

**CRA-S-2852-2025(O&M)**

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

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**CRA-S-2852-2025(O&M)
Decided on: 03.11.2025****JIWAN GARG ALIAS JIWAN KUMAR GARG . . . Appellant(s)**

Versus

STATE OF PUNJAB AND ANOTHER . . . Respondent(s)**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH****PRESENT:** Mr. Rishav Jain, Advocate and
Ms. Shivaly Singla, Advocate
for the appellant.

Ms. Aakanksha Gupta, AAG Punjab.

Ms. Favi Singla, Advocate
for respondent No.2.

KIRTI SINGH, J. (Oral)

1. The present appeal has been preferred against the order dated 11.08.2025 passed by the learned Additional Sessions Judge, Sangrur, whereby the application filed by the appellant under Section 483 BNSS seeking regular bail in case FIR No.105 dated 16.05.2025 under Sections 3(1)(r), 3(2)(va) of SC/ST Act, 1989 and Sections 506, 354, 354-A, 354-D, 353, 186, 384 and 509 IPC, registered at Police Station City Sunam District Sangrur has been dismissed.

2. Learned counsel for the appellant submits that the appellant, aged 67 years old, has been falsely implicated in the present case. The allegation against the appellant is that he has touched the elbow of the victim and used derogative words against her. It is submitted that the present case is a counterblast to the complaints filed by the appellant against the complainant/respondent No.2. The allegations levelled under the SC/ST Act

can also not be sustained, that too on the sole basis that the prosecutrix



belonged to a particular category, without there being any *prima facie* case is made out under the provisions of the Act. The appellant has undergone an actual custody of 05 months and 17 days and there is no other case registered against him.

3. *Per contra* learned State counsel has opposed the bail and submits that the appellant was actively involved in the commission of the alleged offence. She has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the appellant has undergone actual custody of 05 months and 17 days and there is no other case registered against him. She on instructions from ASI Gursewak Singh submits that challan was presented on 14.07.2025 and the charges are yet to be framed. She, however, submits that in view of the serious allegations against the appellant, he is not entitled to the concession of regular bail.

4. Heard the rival submissions made by learned counsel for the parties.

5. From a perusal of the case in hand, it transpires that the appellant is behind the bars since 16.05.2025. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress, as challan was presented on 14.07.2025 and the charges are yet to be framed. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/appellant. 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 including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in **“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22.**



6. Accordingly, the present appeal is allowed and the appellant is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The appellant shall also abide by the following conditions:-

(I) The appellant will not tamper with the evidence during the trial.

(II) The appellant will not pressurize/intimidate the prosecution witness(s).

(III) The appellant will appear before the trial Court on the date fixed, unless personal presence is exempted.

(IV) The appellant shall not commit an offence similar to the offence of which she is accused of, or for commission of which he is suspected.

(V) The appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(VI) The petitioner shall not make any attempts to reassociate with the prosecutrix or her family in any manner either through a device or in person.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

9. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

03.11.2025

Kavita

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*