

CRA-S-2761-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

**CRA-S-2761-2025**  
Reserved on: 01.10.2025  
Pronounced on: 31.10.2025

Virender Bhatia ...Appellant

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sunny Tyagi, Advocate  
for the appellant.

Mr. Birender Bikram Attrey, AAG, Haryana.

Mr. Surender Singh, Advocate  
for respondent No.2.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station      | Sections                                                                                                           |
|---------|------------|---------------------|--------------------------------------------------------------------------------------------------------------------|
| 237     | 07.06.2025 | Civil Line<br>Sirsa | 115(2), 316(2), 318(4) of BNS<br>2023, Section 3 of SC/ST Act and<br>21/23/25 of BUDS Act 2019 and<br>3 HPIDEF Act |

1. Aggrieved by the dismissal of his bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], for the offenses including under the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989, [SCSTPOA], the accused has come up before this court by filing an appeal under section 14-A of SCSTPOA, seeking bail.
2. In para 17 of the appeal, appellant declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the order dated 30.07.2025 passed by the Additional Sessions Judge, Sirsa (Haryana), which reads as follows:

*“...the complainant Gulab Kumar who stated that in February 2024, Mahabir Panchal(serving in roadways) introduced him to applicant/accused Virendra Bhatia and told him to invest to work with his company and said that if he work with applicant/accused then applicant/accused will give him a job in Dubai or South Africa and applicant/accused has a company there by the name of Earth Bimb Solar.*

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*Investing in which gives good returns and he will also be employed in the company. It is that these people have taken Rs.11,41,000/-from him from February 2024 till now. They sent money to his account for the first 5-6 months and whenever he wanted to ask for the money, they took the money again citing technical problems. On 06.06.2025, he was called by Virendra Bhatia at his office at Bhuman Shah Chowk to settle account. At 01.30 PM when he reached in his office, where Virendra Bhatia's brother-in-law (Rahul Chawla), his brother Deepak Bhatia and his bouncers were already present. When he asked them to settle accounts, Rahul Chawla grabbed his neck from behind and attacked him with the intention of killing him. Virendra Bhatia and his brother Deepak Chawla were all involved in this. They abused his mother and sister and also used castism words. Legal Action was prayed for. On the basis of said statement, FIR was lodged and investigation was carried out.”*

4. The Appellant’s counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the appellant and his family. He further submits that the matter stands compromised between the parties.

5. The Appellant’s counsel submits that the appellant would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the appellant repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the appellant shall have no objection.

6. Counsel for respondent No.2 submits that they have no objection if bail is granted to the appellant and they have handed over an affidavit regarding no objection and relevant portion of the said affidavit, reads as follows:-

*“2. That now due to intervention of respectable persons of the society/Panchayat the dispute between the deponent and all persons mentioned in the FIR, have been settled and now there is peace and harmony between them and now deponent have no grudges against above said persons and are living peacefully.”*

7. The State’s counsel opposes bail and refers to the reply.

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REASONING:

8. In *Prathvi Raj v. Union of India*, 2020:INSC:157 [Para 10], AIR 2020 SC 1036, a three-judge bench of the Hon'ble Supreme Court read down S. 18 by declaring as follows,

[10]. Concerning the applicability of provisions of section 438 Cr.PC, it shall not apply to the cases under Act of 1989. However, if the complaint does not make out a prima facie case for applicability of the provisions of the Act of 1989, the bar created by section 18 and 18A (i) shall not apply.

9. The allegations are of beating, cheating and breach of trust with the people belonging to the scheduled castes.

10. Per the custody certificate dated 10.09.2025, custody of appellant-Virender Bhatia, in this FIR is 03 months, which is now around 04 months & 18 days..

11. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.<sup>1</sup>In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.<sup>2</sup> Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.<sup>3</sup> Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.<sup>4</sup> When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.<sup>5</sup>

12. Because of no objection to the bail by the victim(s), this Court is inclined to grant bail with clarification that this bail on compromise shall not amount to the acceptance of

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<sup>1</sup> Supreme Court of India in *Vaman Narain Ghiya v. state of Rajasthan*, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

<sup>2</sup>Supreme Court of India in *State of Kerala v. Raneef*, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

<sup>3</sup> Supreme Court of India in *Siddharam Satlingappa Mhetre v. State of Maharashtra*, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

<sup>4</sup> Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

<sup>5</sup> Supreme Court of India in *Sanjay Chandra v. CBI* , [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

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compromise by the prosecution or the Court.

13. Given the compromise, penal provisions invoked viz-a-viz pre-trial custody, coupled with the primafacie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

14. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the appellant makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

15. Given the above, provided the appellant is not required in any other case, the appellant shall be released on bail in the FIR captioned above, subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

16. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the appellant may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the “Chief Judicial Magistrate” of the concerned Sessions Division; or a fixed deposit made in the name of the appellant, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

17. While furnishing a personal bond, the Appellant shall mention the following personal identification details:

|    |                                                                                                                                      |  |
|----|--------------------------------------------------------------------------------------------------------------------------------------|--|
| 1. | AADHAR number                                                                                                                        |  |
| 2. | Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk. |  |
| 3. | Mobile number (If available)                                                                                                         |  |
| 4. | E-Mail id (If available)                                                                                                             |  |

18. This order is subject to the Appellant’s complying with the following terms.

19. The Appellant shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The Appellant shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

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20. The significant consideration for granting bail is that the Court aims to give the appellant another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the appellant also abides by the assurance made on the appellant's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

21. This bail is conditional, with the foundational condition being that if the appellant repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

22. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

23. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.

24. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that "To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished."

25. Appeal allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

31.10.2025  
anju rani

Whether speaking/reasoned: Yes  
Whether reportable: NO.