

**CRA-S-2850-2025**

-1-

(216)**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRA-S-2850-2025****Date of Decision: 17.09.2025****MULIYA****... Appellant****Versus****STATE OF HARYANA & ANOTHER****...Respondents****CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Mohit Nehra, Advocate for the petitioner.

Mr. T.P. Singh, Sr. DAG, Haryana.

JASJIT SINGH BEDI, J.

The present appeal has been preferred against the judgment dated 22.08.2025 passed by the Addl. Sessions Judge, Bhiwani in case bearing FIR No.224 dated 08.07.2025 registered under Sections 190, 191(2), 115(2), 117(2), 126(2), 351(3) of BNS, 2023 (Section 3(2)(va) of the SC/ST Act added later on) at Police Station Tosham, dismissing the bail petition of the appellant.

2. The present FIR came to be registered at the instance of Naveen S/o Ramesh Kumar and the same reads as under:-

“Statement of complainant Naveen son of Ramesh Kumar, resident of village Khanak, District Bhiwani, age about 21 years, education 12th pass, mobile number 8059500601, states that I am resident of the above address and do labour work. Yesterday dated 07.07.2025 at about 08:00 AM, I and my uncle's son Amit son of Suresh were sitting at our house. During this time, my two friends Sahil son of Satya Narayan Lohar and another Amit Lohar, residents of Khanak, came to our house and after sitting with us drank tea. Then they said to us that they had some important talk. We came outside our house with them, wherefrom we both brothers sat on their motorcycle and went on Ratera road. When we reached near the fields on Ratera road, there already four-five other boys, whose names I do not know, were

**CRA-S-2850-2025****-2-**

standing holding sticks in their hands. As soon as the motorcycle stopped, they made both of us get down. Sahil said that because your brother Dinesh has eloped with our sister Bhateri, give them a lesson. All of them then attacked us with the sticks held in their hands. We started running away. Sahil stopped my way. My brother Amit managed to run away from the spot. Then all of them with the sticks in their hands gave me many blows. I raised alarm by shouting "killing me "killing me" On hearing my cries, nearby people came at the spot. Seeing them coming, all of the above persons fled away from the spot along with their respective weapons and motorcycles. While leaving they were loudly saying that today you have been saved, next time if we get a chance, we will kill you. Then my brother Amit called his father my uncle Suresh on phone, who came to us at the spot and called Dial 112. Dial 112 vehicle got admitted me in Government Hospital Tosham for treatment, from where the doctor referred me to Government Hospital Bhiwani for further treatment, where my treatment is going on. Legal action may kindly be taken against Sahil, Amit and other 4/5 boys. Statement heard, found correct. LTI: Naveen Attested Sd/- Rakesh Kumar.”

3. The learned counsel for the appellant contends that the appellant has been falsely implicated in the present case. The appellant is not named in the FIR and his name surfaced only in the disclosure statement of his co-accused while in police custody. The assertions of the FIR would reveal that no offence under the SC and ST Act had been committed. Taking the allegations to be correct, it is Amit who is the main accused. As the appellant is in custody since 25.07.2025 but none of the 14 prosecution witnesses has been examined so far, the trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

**CRA-S-2850-2025****-3-**

4. On the other hand, the learned State counsel contends that all the accused caused injuries to the complainant and looking at the nature of the allegations, the appellant is not entitled to the concession of bail.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the appellant and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the appellant is in custody since 25.07.2025 but none of the 14 prosecution witnesses has been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the appellant is not required.

7. Thus without commenting on the merits of the case, the present appeal is allowed and appellant-Muliya S/o Om Prakash is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. If the appellant or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

9. The appeal stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

17.09.2025

JITESH

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