



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

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**CRA-S No.2992 of 2025
Date of decision : 31.10.2025**

Hawa Singh @ Habli

.....Appellant

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Harshit Jangra, Advocate, for the appellant

Mr. Gurmeet Singh, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present appeal has been filed against the order dated 15.9.2025 passed by the Additional Sessions Judge, Bhiwani, whereby the application for grant of regular bail to the appellant in FIR No.393 dated 11.8.2025 under Sections 115(2), 126(2), 351(2) of Bharatiya Nyaya Sanhita, 2023 and section 3(2)(va) of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Sadar Bhiwani, District Bhiwani, has been dismissed.
2. The case set up in the FIR in question (as set out in the present appeal by the appellant) is as follows:-

'To SHO PS Sadar Bhiwnai I, Kuldeep S/o Babulal, resident of Dinod, am a laborer by profession. On 10.08.2025 at about 11:30 PM, I along with Sunil S/o Satyawar and Johnny S/o Jagdish, residents of Dinod, were returning home through the street. On the way, Hawa singh @ Habli S/o Ram Singh @ Rama, resident of Dinod, met us in front of his house. At



that place, a stray dog started barking at us, and while we were driving the dog away, Hawa singh @ Habli suddenly struck Sunil from behind with a stick, due to which there was an altercation. Out of fear, Sunil and Johny ran away from there, but Hawa singh Habli caught hold of me and started beating me mercilessly with a wooden stick. I begged him not to beat me, but he continued assaulting me. While beating, he even broke the stick and said, "Today I will kill you. Somehow, I managed to escape from his clutches, but he blocked my way and again assaulted me with fists, kicks, and the broken stick on my hands, legs, and head. He also abused me with filthy caste-based abuses, saying, "You low caste (Dhed), today you will not leave this street alive. He kept beating and abusing me, including abusing my mother and sister with obscene words. Meanwhile, Dial-112 police vehicle arrived, and my mother Sanoj and my brother Kambir also reached the spot. They took me by ambulance to General Hospital, Bhiwani, where I was admitted and am undergoing treatment. Therefore, I request you to take strict legal action against Hawalsingh @ Habli. Today, a telephone message was received in the police station MHC from ASI that complainant Kuldeep S/o Babulal, resident of Dinod, has been admitted in GH Bhiwani due to injuries sustained in a quarrel. For necessary action, I (ASI) along with HC Pawan Kumar No.1006 reached GH Bhiwani, obtained the doctor's opinion and MLR in the emergency ward, and produced the complainant Kuldeep before the doctor for opinion regarding his fitness/unfitness to give a statement. The doctor declared the complainant fit to give a statement. Accordingly, the complainant Kuldeep handed over a written complaint to me (ASI). On the basis of this written complaint, offences under Sections 115(2), 126(2), 351(2) of the BNS and Section 3(2)(va) of the SC/ST Act 1989 were found to be made out. Therefore, a rukka was prepared and sent to the police station through HC Pawan Kumar No. 1006, on the basis of which FIR No. 393 dated 11.08.2025 under the said sections was registered at PS Sadar Bhiwani.'

3. Learned counsel for the appellant has argued that the appellant is in custody since 12.8.2025. Learned counsel has further submitted that the investigation *qua* the FIR in question is already complete and challan stands presented on 8.10.2025. Learned counsel has further argued that



the appellant has been falsely implicated into the FIR in question. Learned counsel has further argued that, in fact, it was the complainant-side which had tried to attack the complainant.

4. Learned State counsel has filed status report by way of affidavit of Mahesh Kumar, HPS, Deputy Superintendent of Police (Head quarters), Bhiwani in Court today. The same be kept on record. Copy thereof has been furnished to learned counsel for the appellant

4.1 Raising submissions in tandem with the said status report, learned counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the appellant does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 30.10.2025 in Court, which is taken on record.

4.2 Case has been called out twice since morning. However, none has caused appearance on behalf of respondent no.2.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The appellant was arrested in the present case on 12.8.2025 whereinafter challan stands presented in the Court on 8.10.2025. Total 20 prosecution witnesses have been cited. It is not in dispute that none has been examined till date. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these



rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the appellant absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 30.10.2025 filed by learned State counsel, the appellant has already suffered incarceration for a period of 2 months and 19 days. As per the said custody certificate, the appellant is stated to be involved in multiple cases/FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the appellant in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

Suffice to say, further detention of the appellant as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present appeal is allowed. Appellant is



ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the appellant shall remain bound by the following conditions:-

- (i) The appellant shall not mis-use the liberty granted.
- (ii) The appellant shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The appellant shall not absent himself on any date before the trial.
- (iv) The appellant shall not commit any offence while on bail.
- (v) The appellant shall deposit his passport, if any, with the trial Court.
- (vi) The appellant shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The appellant shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the appellant.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

31.10.2025
Ashwani