



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

204

CRA-S No.3263 of 2025 (O & M)
Date of decision : 12.12.2025
Date of uploading : 12.12.2025

Pardeep @ DeenuAppellant
Versus
State of Haryana and anotherRespondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rajnikant Upadhyay, Advocate, for the appellant
Mr. Gurmeet Singh, AAG, Haryana
None for respondent no.2 (i & ii)

SUMEET GOEL, J. (ORAL)

1. Present appeal has been filed against the order dated 5.9.2024 passed by the Additional Sessions Judge, Sonipat whereby the application for grant of regular bail to the appellant in FIR No.420 dated 10.10.2021 under Sections 148, 149, 302, 323, 324 of IPC and section 3 of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 (Section 25 of Arms Act, 1959 dropped during investigation), registered at Police Station Sadar Sonipat, District Sonipat, 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:-

'Statement of Aman S/o Javeer caste Jaat, resident of Village Dubheta, Police Station Gannaur stated that he is 17 years old and completed 11th class and is an agriculturist. On dated 09.10.2021, on the issue of meal packing, dispute had arisen at Bhola Punjabi Dhaba of Rakesh Khanpur in front of PGI Khanpur. However, they went to their respective houses.



Today. Pardeep Barwasni called on phone and said that you had quarreled with his known yesterday at Dhaba of Rakesh Khanpur. You come to my fields and he will get the matter compromised. I told this fact to my friends Krishan S/o Sultan caste dhanak resident of Sargathal, and Jagdeep S/o Krishan caste chammaar of my village and we planned to go to the Pardeep. Krishan S/o Sultan called his friend along with motorcycle at Dhubeta. And we all four reached at place told by Pardeep Badwasni. There we met Mita Khanpuria, Sunny Mundpur, Pardeep Badwasni, Kishori Khanpur Devender Bhatgaon, already known to me. Pardeep Badwasni fixed his pistol on my forehead. Amit Meeta, Kishori resident of Khanpur, Sunny Mundpur and Devender Bhatgaon caused injuries to me and Krishan with the bittas and dandas. My friend Jagdeep S/o Krishan ran away from the spot on the motorcycle. All caused injuries on my head and foot and on foot of Krishan also by lathi and dandas. Pardeep Barwasni also gave 'kassi' blow on my head. Keeping in view the incident happened last night, with malafide intention, Pardeep and his friends called us in the fields and administered liquor to us and gave some pills to Krishan in the liquor. Upon hearing the sounds of quarrel, while seeing the people coming from the neighbourhood, all accused ran away from the spot. I had mobile with me and so I informed the police at 1.30 P.M. during day time. Ambulance reached the spot. Me and Krishan were got hospitalized in PGI Khanpur. During treatment Krishan s/o Sultan resident of Sargathal succumbed to his injuries. I was referred to PGIMS, Rohtak, due to the seriousness of the injuries, My parents brought me PGIMS Rohtak where I am undergoing treatment. Amit@ Mitta, Sunny, Pardeep, Kishori who belongs to jaat community and Devender whose caste not known, had caused injuries to me as well as my friend Krishan, due to which, Krishan had died. Strong legal action against the accused be taken. I have recorded my statement, heard which is right. Sd/Aman 7419003373 Attested: Om Parkash SI PS Sadar Sonipat D1: 10.10.2021. On 10.10.2021 telephonic information was received from BPS Khanpur Kalan that Aman son of Jaibir resident of Dubheta, Krishan son of Sultan resident of Sargthar have been admitted in BPS Khanpur for treatment of injuries received in quarrel in Barwasni village. Kindly send I/O. On this information, I, along with SI Dharambir 299/RR HC Rakesh No. 1516 reached in the emergency ward of BPS Khanpur and obtained medical ruqqa regarding brought dead of Krishan son of Sultan and another



medical ruqqa MLR No. BPS/RP/1002/21 Dt 10/10/21 regarding injured Aman son of Jaibir. Four injuries have been mentioned. All sharp except injury no 4 which is blunt and injured has been referred to PGIMS Rohtak. Dead body of deceased Krishan has been kept at Dead house BPS Khanpur. No one has been present here as witness or legal heir of Krishan. Statement of Aman is very essential. I along with colleagues reached at PGIMS Rohtak and moved application for recording of statement of Aman upon with Dr has eclared the injured FIT FOR STATEMENT. Statement of AMan has been recorded nad described. Upon it finding it correct he has signed on it. On the basis of statement and MLR, FIR No.420 dated 10.10.2021 under Sections 148, 149, 323, 324, 302 of the Indian Penal Code and Section 25-54-59 of the Arms Act and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 was registered.'

3. Learned counsel for the appellant has argued that the appellant is in custody since 25.11.2024. Learned counsel has further argued that the appellant has been falsely implicated into the FIR in question. Learned counsel has further submitted that there is no tangible evidence available on record so as to warrant conviction of the appellant. Learned counsel has further submitted that all private prosecution witnesses stand examined and thus, there is no chance of the appellant tampering with the evidence. Thus, regular bail is prayed for.

4. Learned State counsel on instructions from ASI Mukesh Kumar, has opposed the present appeal by arguing that the allegations raised are serious in nature and thus the appellant does not deserve the concession of the regular bail. He has, however, not disputed the factum of examination of all private prosecution witnesses. Learned State counsel seeks to place on record custody certificate dated 11.12.2025 in Court, which is taken on record.



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

6. The appellant was arrested on 25.11.2021 wherein after investigation was carried out and challan stands presented on 12.1.2022. Total 35 prosecution witnesses have been cited, out of which only 21 have been examined. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another,*** decided on 03.07.2024; relevant whereof reads as under:-

“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

6.1 The rival contention raised at Bar give rise to debatable issues which shall essentially 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.



6.2 As per custody certificate dated 11.12.2025 filed by learned State counsel, the appellant has already suffered incarceration for a period of 4 years and 16 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/Illaqa 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.

11. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(SUMEET GOEL)
JUDGE

12.12.2025

Ashwanii

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