



CRA-S-3305-2025

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

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CRA-S-3305-2025 (O & M)

Date of decision: 15.12.2025

SUBHASH CHANDER

....Appellant

Versus

STATE OF HARYANA AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. D.S.Virk, Advocate,
for the appellant.

Mr. Gautam Kaile, DAG, Haryana.

AMAN CHAUDHARY, J. (ORAL)

1. The present appeal has been filed for quashing the order dated 06.10.2025 passed by Addl. Sessions Judge, Sirsa, whereby petition seeking regular bail to the appellant in FIR No.173 dated 06.09.2025, registered at Police Station Nathusari Chopta, District Sirsa, under Sections 115(2), 117(2), 118(1), 3(5) and 109 of BNS, 2023 and Sections 3(1) (r) (s), 3(2) (v) (a) of SC/ST Act, was dismissed.

2. Learned counsel contends that the appellant, 65-year-old has been in custody for more than 3 months. There is no allegation with regard to any injury that has been caused by him and the dispute was with regard to rain water having been accumulated in front of the house of the complainant. The allegations levelled relating to caste are vague. Challan has been presented on 28.10.2025, however, charges are yet to be framed

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and there are, in all, 13 PWs. He is not involved in any other case. Reliance is placed on the judgment passed by Hon'ble the Supreme Court titled as **Hitesh Verma vs. State of Uttarakhand and another**, 2020(4) CR (Criminal) 868, wherein it was held that unless there is intention to humiliate member of Scheduled Caste or Scheduled Tribe for reason that victim belongs to such caste, the offence under the said Act is not established merely on the fact that he is member of the Scheduled Caste.

3. The custody certificate dated 13.12.2025, filed by the learned State counsel is taken on record. As per the same, the appellant is behind bars for 3 months and 01 day.

4. Learned State counsel opposes the bail on the ground that there are specific allegations levelled against the appellant and his son, who had caused injuries to the complainant. However, he is unable to controvert the submissions with regard to stage of the case and the appellant being not involved in any other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the appellant is in custody for the last 3 months and 1 day; not involved in any other case; challan stands presented on 28.10.2025, but charges have not been framed and there are total 13 PWs; the trial is likely to take a considerable time, further incarceration of the appellant would be violative of his right enshrined under Article 21 of the

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Constitution of India, present petition is allowed and the impugned order dated 06.10.2025 is set aside.

7. The appellant is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall 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 witnesses.
- (iii) The appellant will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The appellant shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The appellant shall not directly or indirectly coerce, induce, threaten 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 in any manner.
- (vi) The appellant shall not in any manner misuse his liberty.
- (vii) The appellant shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The appellant shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the appellant.

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8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the appellant by this order.

9. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

15.12.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No