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2025:PHHC:168984



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

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Mandeep @ Gandhi

....Appellant

versus

State of Haryana and another

....Respondents

Date of decision: December 04, 2025

Date of Uploading: December 04, 2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Saurabh Sharma, Advocate &
Mr. Himanshu Garg, Advocate for
Mr. Aditya Sanghi, Advocate for the appellant.

Ms. Priyanka Sadar Thakur, Senior DAG Haryana.

None for respondent No.2.

SUMEET GOEL, J. (ORAL)

Present appeal has been filed under Section 14-A of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act') for grant of regular bail to the appellant in case bearing FIR No.277 dated 21.07.2025, registered for the offences punishable under Sections 115(2), 117(2), 127(1) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Sections 3(1)(s) & 3(2)(va) of the SC/ST Act, at Police Station Meham, District Rohtak.

2. The gravamen of the allegations against the appellant is that complainant, namely, Krishan, son of Nafe Singh, resident of Village Bharan, District Rohtak, has alleged that on 08.04.2025, while he was out for a walk in the fields, Gandhi alias Chhotu (*appellant herein*), Lalit and Rohit, all residents of Village Bharan, District Rohtak, who were already

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standing on the road, started abusing him. When he objected to their conduct, all three allegedly assaulted him with sticks and caused multiple injuries. Subsequently, on 10.04.2025, the complainant went to Lakhan Majra Hospital, where his MLR was prepared. He alleges that all three accused inflicted unwarranted injuries upon him. On a supplementary statement of the complainant, offence(s) under SC/ST Act were also added.

3. Learned counsel for the appellant has iterated that the appellant was arrested on 03.09.2025. Learned counsel has further iterated that the appellant has been falsely implicated into the FIR in question on account of village rivalry. Learned counsel has argued that alleged occurrence took place on 08.04.2025, but the FIR in question was registered on 21.07.2025 after an unexplained delay of 03 months. Learned counsel has also argued that the invocation of the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 is only to aggravate the offence so as to disentitle the appellant from the grant of regular bail. Learned counsel has urged that the appellant is a man aged 23 years with no clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present appeal by arguing that the allegations raised against the appellant 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 the custody certificate dated 03.12.2025 and the compliance report by way of an affidavit dated 14.11.2025 of Sub-Inspector Subhash, Station House Officer, Police Station-Meham, Rohtak, in the Court today, which are taken on record.

4.1. None appears on behalf of respondent No.2, despite having been informed by the concerned Station House Officer about pendency of

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the present appeal, in compliance to the order dated 04.11.2025 passed by this Court; compliance report thereof has also been filed, as above.

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

6. The appellant was arrested on 03.09.2025, whereinafter, the investigation was carried out and the challan has been presented on 01.11.2025. It is not in dispute before this Court that total 20 prosecution witnesses have been cited, out of which none has been examined till date. It is, thus, indubitable that conclusion of the trial will take long time. The rival contentions raised at Bar 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.

7. As per custody certificate dated 03.12.2025 filed by learned State counsel, the appellant has already suffered incarceration for a period of 03 months & 01 day & is not shown to be involved in any other FIR(s).

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

8. 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.

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- (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 cellphone 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.

9. 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.

10. Ordered accordingly.

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

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

December 04, 2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No