

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

2025:PHHC:164563



CRA-S-3594-2025 (O&M)
Date of decision: 27.11.2025.

RASHID @ MOHD. RASHID

...Appellant(s)

VERSUS

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Nasir Jamal, Advocate,
for the petitioner.

Ms. Chhavi Sharma, AAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The present appeal has been preferred for seeking regular bail in case bearing FIR No.311 dated 13.12.2020, under Section(s) 323, 506 and 34 of the Indian Penal Code, 1860 and under Section 3(2)(va) of the the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Nagina, District Nuh.

2 The FIR in the present case was registered on the statement of Uday Singh son of Shri Falu Singh. The contends thereof reads thus: -

“Police Station Nagina Subject Under the SC ST Act 1989 using caste related words abusing deadly attacking with the

intention to kill on the strength of weapons and threatening to kill etc. Sir the request is that I Uday Singh son of Falu Singh Scheduled Caste Chamar is permanent resident of village Marora Tehsil District Nuh Mewat The matter is that on 09.12.2020 Ashraf alias Gucchi son Abdullah caste Mao Marora called me twice in the afternoon on mobile number 89302xxxxx asking that where are you Uday I have some work I said that I am in Tijara I will be able to reach home by evening At around 6:30 in the evening I received a call from Ashraf alias Guchi from the above mentioned number saying that I want to meet you I told him to come to my house But Ashraf said come to Mubeen's tube well I went there and as soon as I reached there I saw that alongwith Ashraf alias Gucci there were Chhotu alias who is nephew Banja Khurshid son of Alisher, Akram, Rashid sons of Khurshid, Fajar Khan son of Chawkhan Mukesh, Rahul sons of Balkishan, Ikram son of Fajjar and Qayum son of Noorshah, and 6-7 other people whom I know by their faces whom I can recognize when they come face to face were there As soon as I reached there Ashraf alias Guchi was holding a country made pistol in his hand He put a country made pistol on my head and Fajar Khan was holding an iron rod in his hand and all the others were holding swords rods sticks and other weapons Fajar Khan was holding a blank paper in his hand and said Chamar Ded I will make you the Sarpanch Chamar Ded what is your stand that you will fight against us Sign the compromise and get your brother Gopi to sign it too When I refused Ashraf attacked upon my head with a country made pistol and Khurshid and Akram were holding sharp weapons in their hands Khurshid and Akram said Chamar Ded we will show you what your stand before us is Khurshid attacked upon my leg with the sharp weapon in his hand Due to which my leg broke Akram attacked upon my hand Fajar Khan attacked upon me with the rod in his hand and said Akram son kill him today All the above wanted to

kill me Mukesh, Rahul, Akram, Karyum and others abused me by calling me Chamarded etc. and attacked upon me with the sticks and rods in their hands with the intention to kill me Ikram son of Fajar Khan snatched a gold chain from my neck and said that Chamar we will kill you today and attacked upon me again All the above abused me using caste related and obscene words Police Sir the above mentioned people were Beating me and I was screaming loudly due to pain My voice reached to some people of the village The above mentioned accused were saying that the villagers are coming run away we will see him later on and said that if you le a police report against us we will kill you Sir the above Ashraf GuchiChotu has made their gung separately Many cases are going on against the above accused in which they are absconding Hence it is requested to take immediate and strict action against the above mentioned accused and protect my and my familys life and liberty I had taken treatment from Nalhar Medical Collegefrom where I was Referred now my treatment is going on in private hospital Tauru so I present There with my family today It will be highly thankful to you SD/ Uday Singh Applicant Uday Singh son of Phool Singh Scheduled Caste Chamar Village Marora Tehsil Nagina, District Nuh, Mewat. Phone No 97287xxxxx.”

3 Learned counsel appearing for the appellant contends that after registration of the instant case, the appellant was arrested and released on bail by the Additional Sessions Judge, Mewat, on 22.02.2021. He submits that the appellant was regularly appearing before the trial Court, however, he could not appear before the trial Court on 27.09.2023 as he was admitted in Dr. Shakil Hospital, Pinangwan in September 2023 as he was suffering from jaundice. Accordingly, his bail was cancelled on 27.09.2023 and non-bailable warrants were issued against him. The appellant thereafter

surrendered before the trial Court on 18.10.2023 and was thereafter released on bail vide order dated 19.10.2023. He submits that the appellant could not appear before the trial Court on 31.01.2024 on account of misconception with respect to the date of hearing and ultimately, he was declared as a proclaimed offender vide order dated 28.10.2024. He applied for the grant of regular bail, however, the same was dismissed by the Additional Sessions Judge, Nuh. Hence, the present appeal.

4 Learned counsel for the appellant contends that despite the FIR having been registered in the year 2020, the trial has not yet commenced. Besides, even though when the petitioner has been in custody since 28.10.2024 till today, no prosecution witness has been examined so far.

5 State counsel does not dispute the aforesaid factual aspects, however, she submits that the appellant has been absconding repeatedly from the process of law. She, however, does not dispute that the same has not resulted in delayed conclusion of the trial.

6 Be that as it may, noticing that the appellant had earlier been granted the concession of regular bail by the Court and that on account of his non-appearance before the trial Court on 31.01.2024 on account of misconception regarding date of hearing, the trial having not yet commenced and no prosecution witness having been examined till date, I deem it appropriate to allow the present appeal. Accordingly, the present appeal is allowed. The appellant is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

7 It is made clear that the appellant shall not extend any threat and

shall not influence any prosecution witnesses in any manner directly or indirectly.

8 The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

November 27, 2025.	(VINOD S. BHARDWAJ)
raj arora	JUDGE
<i>Whether speaking/reasoned</i>	: <i>Yes/No</i>
<i>Whether reportable</i>	: <i>Yes/No</i>