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2025:PHHC:167256



214

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

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Shiv Kumar @ Biri

....Appellant

Versus

State of Haryana and another

....Respondents

Date of decision: December 02, 2025

Date of Uploading: December 02, 2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Rohit Mittal, 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 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.305 dated 13.10.2021, registered for the offences punishable under Sections 148, 149, 323, 365, 120-B of the Indian Penal Code, 1860 (for short 'IPC') and Section 3(2) (VA) of the SC/ST Act, at Police Station Ateli.

2. The gravamen of the allegations against the appellant is that complainant, namely, Sachin stated that on 13.10.2021 at around 08.20 a.m., he was sitting with his friend, namely, Vishal, at Vishal's shop near Preeka Dhaba. The complainant went to Preeka Dhaba to fill hookah, when a white Camper came there, in which Kesu, Sunny, Jurat, Rahul and 03 other boys

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were seated, who forcibly picked the complainant, took him away and gave beatings with sticks, rods and ice needles. After throwing the complainant at the bus stand of village Kariya, all the accused sat in the car and fled away along with their weapons.

3. Learned counsel for the appellant has iterated that the appellant was initially arrested on 18.10.2021, whereafter, he was granted concession of regular bail on 09.12.2021 by the concerned Court. Learned counsel has urged that the appellant kept on regularly appearing before the trial Court from December 2021 till March 2024 whereafter, on account of miscommunication of the next date of hearing, the appellant jumped bail on 20.03.2024 and was re-arrested on 18.08.2025. Learned counsel has urged that the appellant had no cause to jump before the concerned Court once he was extended the concession of regular bail. Learned counsel has further urged that in any case, the appellant is now in custody since then. Learned counsel has also argued that the appellant has been falsely implicated into the FIR in question and there is no active role attributed to the appellant, which may invoke his culpability. 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 01.12.2025, and also the compliance report/ status report dated 01.12.2025 of Inspector Devender Singh, SHO, Police Station Ateli, District Mahendergarh, 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, in compliance to the

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order dated 19.11.2025 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 initially arrested on 18.10.2021, whereinafter, the investigation was carried out and the challan has been presented on 22.10.2021. It is not in dispute before this Court that total 15 prosecution witnesses have been cited and 09 have been examined till date. It is, thus, indubitable that conclusion of the trial will take long time. It is also not in dispute that the appellant was extended the concession of regular bail by the concerned Court on 09.12.2021 on merits thereof. 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 01.12.2025 filed by learned State counsel, the appellant has already suffered incarceration for a period of 05 months & 06 days. Further, as per the said custody certificate, the appellant is stated to be involved in other FIR(s). 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***

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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.

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.
- (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.

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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 02, 2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No