



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203

CRA-S-3709-2025 (O&M)
Date of decision: 05.12.2025

Govind @ Govind Singh

....Petitioner

Versus

State of Haryana and Another

...Respondents

CRA-S-3710-2025 (O&M)

Ashok Kumar @ Ashok @ Tiger

....Petitioner

Versus

State of Haryana and Another

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Raman Chawla, Advocate for the petitioners

Mr. Gautam Kaile, DAG Haryana

AMAN CHAUDHARY, J. (ORAL)

1. The present appeals have been preferred against the orders dated 15.11.2025 passed by learned ASJ, Hisar, whereby the regular bail filed by the appellants have been dismissed in case FIR No.130 dated 12.05.2025, registered under Sections 115, 190, 191(2), 329(3), 351(3) of BNS, 3(1)(f), 3(2)(va) of the SC/ST Act (offences under Sections 110, 117(2), 191(3) 238(c), 324(6), 61 of BNS & 3(1)(x), 3(1)(r), 3(1)(s) of the SC/ST Act added and 190 BNS deleted later on) at Police Station Adampur, District Hisar.

2. Learned counsel contends that the appellants have been in custody for more than 6 months. Main accused Sandeep, who was named in the FIR, has been granted bail by the trial Court vide order dated 18.08.2025, Annexure A-2,



after being in custody for 2 months and 18 days, besides another similar circumstanced co-accused Devender @ Chotala on 08.08.2025, Annexure A-3. There is no specific allegations levelled against the petitioner and was not named in the FIR. He was implicated based on the disclosure statement of aforesaid co-accused. Challan was presented on 16.07.2025, however, charges have not been framed and in all there are 26 prosecution witnesses. Appellant-Govind is involved in 11 case while appellant-Ashok is in 1, wherein they are on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificates dated 04.12.2025, filed by the learned State counsel are taken on record. As per the same, the appellants are behind bars for 6 month and 12 days.

4. Learned State counsel opposes the bail on the ground that there are specific allegations against the appellants of being part of unlawful assembly. However, he is unable to controvert the submissions with regard to stage, co-accused having been granted bail and the appellants being on bail in other cases.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc." Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was



observed that, “The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail.”

7. Considering the facts and circumstances of the case, in particular that the appellants are in custody for the last 6 months and 12 days; on bail in other cases; co-accused are on bail; challan stands presented on 16.07.2025, however, as charges are yet to be framed and in all there are 26 prosecution witnesses, the trial is still to commence, further incarceration of the appellants would be violative of their right enshrined under Article 21 of the Constitution of India, the present appeals are allowed.

8. The appellants are 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 appellants will not tamper with the evidence during the trial.
- (ii) The appellants will not pressurize/ intimidate the prosecution witnesses.
- (iii) The appellants will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The appellants shall not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.
- (v) The appellants 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 appellants shall not in any manner misuse his liberty.
- (vii) The appellants shall furnish their address and mobile



number by way of affidavit/s to the trial Court and not change the same till conclusion of trial and if for any reasons, they seek to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.

- (viii) The appellants 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 appellants.

9. 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 appellants by this order.

10. 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.

11. A photocopy of this order be placed on the file of connected case.

(AMAN CHAUDHARY)
JUDGE

05.12.2025
M.Kamra

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