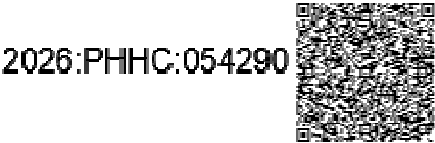


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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Satbir
.....Petitioner

versus

State of Haryana and another
.....Respondents

Date of decision: April 08, 2026
Date of Uploading: April 08, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Manjeet Gharhwal, Advocate for
Mr. Sahil Choudhary, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

Mr. Deepak Kundu, Advocate for the complainant.

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.147 dated 16.08.2024, registered for the offences punishable under Sections 103(1), 351(3), 3(5) of the BNS, 2023 and Section 3 of the SC/ST Act, 1985, at Police Station Sadar, Panipat.

2. The gravamen of allegations against the appellant is that the complainant, namely, Suresh Kumar alleged that the appellant along with his co-accused – Pawan had brutally given fist and kick blows to his brother (Naresh) and due to which, he died.

3. Learned counsel for the appellant has contended that a bare perusal of the FIR would reveal that the allegations levelled against the appellant are wholly concocted, improbable and devoid of any merit. Learned counsel has further submitted that the appellant is in custody since 19.08.2024. Learned counsel has submitted that the appellant has been falsely implicated into the FIR in question. Learned counsel has argued that there is no specific overt act has been attributed to the appellant. Learned counsel has further argued that alleged act of strangulation is attributed to the co-accused – Pawan. Learned counsel has asserted that the incident in question arose out of a sudden altercation. Learned counsel has further submitted that as per medical and post-mortem report, no specific fatal injury has been attributed to the appellant. Learned counsel has submitted that omnibus and unspecific allegations have been leveled against the appellant.

3.2. Learned counsel has argued that upon culmination of investigation, challan stands presented and the petitioner has suffered incarceration for more than 01½ years. Learned counsel has further contended that, out of a total of 19 prosecution witnesses, only four have been examined thus far, and therefore, the delay in the trial cannot be attributed to the appellant.

3.2. Learned counsel has further contended that the police have not conducted a fair, proper and impartial investigation, and the inquiry conducted so far appears to be not only incomplete but also tainted with bias. Learned counsel has further submitted that no recovery is to be effected from the appellant, and therefore his custodial interrogation is not warranted. It has been further argued that custodial interrogation cannot be used as a punitive measure and is justified only when it is absolutely necessary for the purpose of effecting recovery or for eliciting material information relevant to the investigation. In these circumstances, it is contended that no useful purpose would be served by subjecting the petitioner

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to arrest or by sending him behind bars. On the strength of the aforesaid submissions, grant of anticipatory bail to the petitioner has been entreated for.

4. *Per contra*, learned State counsel, while raising submissions in tandem with the status report by way of an affidavit dated 07.03.2026, has opposed the grant of bail to the appellant by arguing that there are serious and grave allegations against the appellant. Relevant of the said status report reads thus:

“3. *That the role of the appellant is that he was actively involved in the commission of offence along with co-accused Pawan. On 15.08.2024, after consuming liquor, the appellant was riding his motorcycle when the deceased Naresh stopped them near the village. Upon stopping, a quarrel took place and the appellant got down from the motorcycle and started beating Naresh. Co-accused Pawan also joined him and both of them gave repeated kicks and fist blows to the deceased. Thereafter, they dragged Naresh into a nearby field and continued the assault, during which co-accused Pawan strangled Naresh resulting in his death. When the complainant and another person tried to rescue the deceased, the appellant also assaulted and threatened them. Thereafter, both the accused fled from the spot on the motorcycle driven by the appellant. During investigation, the appellant produced the said motorcycle, which was taken into police possession, and he also demarcated the place of occurrence.*”

It has further been argued that considering the nature and gravity of the allegations, there exists a reasonable apprehension that the appellant, if granted the concession of anticipatory bail, may abscond or tamper with the prosecution evidence. Learned State counsel has submitted that upon culmination of investigation, challan stands presented and out of total 19 prosecution witnesses, only 04 have been examined so far and material witnesses are yet to be examined. Learned State counsel seeks to place on record the custody certificate dated 07.04.2026, in the Court today, which is taken on record. On the strength of the aforesaid submissions, learned State counsel has prayed that the present appeal, being devoid of merit, deserves to be dismissed.

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5. I have heard learned counsel for the rival parties and have perused the paper-book.

6. As per prosecution case and upon perusal of the record, it is borne out that the appellant was actively involved in the commission of the offence along with co-accused Pawan. The material on record indicates that on 15.08.2024, after consuming liquor, the appellant not only initiated the assault upon the deceased Naresh but also continued to participate in the brutal beating by repeatedly inflicting kicks and fist blows. The appellant, in concert with his co-accused, dragged the deceased into a nearby field where the assault continued, culminating in the strangulation of the deceased by co-accused Pawan. The appellant is also attributed the role of assaulting and threatening the complainant and another person who attempted to intervene, thereby demonstrating his active and continuous participation in the occurrence. The involvement of the appellant is further *prima facie* corroborated during investigation by the recovery of the motorcycle used in the commission of the offence at his instance, as well as by his demarcation of the place of occurrence. The manner in which the offence has been committed, *prima facie* reflects a high degree of brutality and a clear intention to cause death.

7. The grant of bail falls within the discretionary domain of the court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and the interests of justice. While considering a bail application, the Court must evaluate factors such as the existence of *prima facie* evidence implicating the accused, the nature and gravity of the alleged offence, and the severity of the likely sentence upon conviction. The Court must also assess the likelihood of the accused absconding or evading the due process of law, the probability of the offence being repeated and any

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reasonable apprehension of the accused tampering with evidence or influencing witnesses. Additionally, the character, antecedents, financial means, societal standing and overall conduct of the accused play a crucial role. Furthermore, the Court must weigh the potential danger of bail undermining the administration of justice or thwarting its due course. A profitable reference in this regard is made to the judgment passed by the Hon'ble Supreme Court titled as ***State through C.B.I. vs. Amaramani Tripathi, 2005 AIR Supreme Court 3490***, relevant whereof reads as under:

*“14. It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see ***Prahlad Singh Bhati v. NCT, Delhi, 2001(2) RCR (Criminal) 377 (SC) : 2001(4) SCC 280*** and ***Gurcharan Singh v. State (Delhi Administration), AIR 1978 Supreme Court 179***). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in ***Kalyan Chandra Sarkar v. Rajesh Ranjan, 2004(2) RCR (Criminal) 254 (SC) : 2004(7) SCC 528*** : “The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:*

a. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.

b. Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

c. Prima facie satisfaction of the **court** in support of the charge. (see ***Ram Govind Upadhyay v. Sudarshan Singh, 2002(2) RCR (Criminal) 250 (SC) : 2002(3) SCC 598*** and ***Puran v. Ram Bilas, 2001(2) RCR (Criminal) 801 (SC) : 2001(6) SCC 338***.”

This Court also in specific terms held that :

“the condition laid down under section 437(1)(i) is sine qua non for granting bail even under section 439 of the Code. In the impugned order it is noticed that the High Court has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail.”

8. The allegations leveled against the appellant are specific, grave and well defined, which *prima facie* indicate his active participation in the commission of the offence. In the considered opinion of this Court the very magnitude, brutality and seriousness of the crime clearly disentitle the appellant to the discretionary relief of bail. In the considered opinion of this Court, at this stage, no accentuating circumstances have been made which may, *prima facie*, constitute a compelling ground for the grant of regular bail to the appellant, especially in light of the gravity of the allegations and the evidence on record. It also deserves emphasis that offences of this nature strike at the very root of public order, rule of law and societal conscience. Grant of bail in such cases may send a wrong signal to society and undermine public confidence in the administration of criminal justice. Furthermore, there exists a real and tangible apprehension that if enlarged on bail, the appellant may abscond to evade trial or attempt to influence, threaten, or intimidate prosecution witnesses especially when several material witnesses are yet to be examined and the prosecution evidence is still to unfold.

9. Considering the overall facts and circumstances, as discussed hereinabove, this Court finds no merit in the present appeal. Accordingly, this

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Court is of the considered opinion that the appellant does not deserve the concession of regular bail. Accordingly, the appeal is, thus, devoid of merits and is hereby **dismissed**.

10. Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.
11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
12. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

April 08, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No