



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

210

CRA-S-790-2026 (O&M)

Date of decision : 06.04.2026

Jatin

..... Appellant

VERSUS

State of Haryana & Anr.

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Kushager Goyal, Advocate for the appellant.

Ms. Deepali Verma, Asst. A.G. Haryana.

None for respondent No.2.

SURYA PARTAP SINGH, J.

1. As per report of the Registry notice issued to respondent No.2 has been served but nobody has appeared on behalf of respondent No.2.

2. The appellant has filed the present appeal under Section 14-A of 'the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989', hereinafter being referred to as the 'SC and ST Act'. It has been filed to challenge the order dated 11.02.2026 passed by the Court of learned Additional Sessions Judge, Hisar, hereinafter being referred to as impugned order. By impugned order, the bail application filed by the appellant has been dismissed in a case arising out of FIR No.879 dated 28.11.2025 under Sections 115, 117(2), 3(5), 351(3) [Section 238(e) added later on] of Bharatiya Nyaya Sanhita, 2023 and Section 3(i)(r), 3(i)(s), 3(2)(va) of SC & ST Act, 1989, Police Station Hisar Sadar @Sadar Hisar, District Hisar. The



appeal has been preferred by the petitioner for setting aside the abovementioned order.

3. Briefly stating the facts emerging from the record are that the FIR of this case came into being at the instance of complainant 'Ashok Kumar', hereinafter being referred to as complainant only, who had alleged that on 27.11.2025 at about 04:00 P.M. he along with Baljeet had purchased liquor from a liquor vend and was going home. As per complainant on the way four unknown person arrived in a Swift Dzire car who were armed with iron rods and they assaulted him and inflicted injuries on his person. It was also stated by the complainant that the abovesaid assailants had also made caste-based remarks against them and thereafter, fled from the spot.

4. It is the case of the prosecution that in view of abovementioned statement formal FIR of this case was lodged and the investigation taken up. The learned State Counsel has filed the Custody Certificate. The same be taken on record.

5. Heard.

6. It has been contended by learned counsel for the appellant that the appellant has been falsely implicated in the present case. According to learned counsel for the appellant except the offence under Section 3(i)(r), 3(i)(s), 3(2)(va) of SC & ST Act, all the other offences are triable by the Court of learned Judicial Magistrate. It has also been contended by learned counsel for the appellant that the appellant himself belongs to the Scheduled Caste and therefore Section 3(i)(r), 3(i)(s), 3(2)(va) of SC & ST Act cannot be invoked against the appellant.



7. The learned State Counsel has controverted the abovementioned arguments. The learned State Counsel while defending the impugned order has contended that in the present case there are serious allegations with regard to causing of grievous injuries on the person of complainant and therefore, the appellant is not entitled for bail.

8. The record has been perused carefully.

9. A perusal of the record shows that there are several factors which are required to be taken into consideration at this stage. Those factors are:-

- i) that the appellant is already in custody for a period of more than [approximately] two and a half months;
- ii) that being a member of Scheduled Caste the provisions of Section 3(i)(r), 3(i)(s), 3(2)(va) of SC & ST Act cannot be invoked against the appellant;
- iii) that rest of the offences allegedly committed by the appellant are triable by Court of Judicial Magistrate;
- iv) that the maximum punishment prescribed for the offences allegedly committed by the appellant [except the offence under Section 3(i)(r), 3(i)(s), 3(2)(va) of SC & ST Act] are punishable with imprisonment up to seven years;
- v) that nothing has been left to be recovered from the possession of appellant;
- vi) that the investigation and trial of the case are not likely to be concluded in near future;
- vii) that the detention of appellant in judicial lock-up is not likely to serve any purpose;



viii) that there is nothing on record to show that if released on bail, the appellant may tamper with the evidence or influence the witnesses; and

(ix) that there is nothing on record to show that if released on bail, the appellant will not co-operate/participate in the trial.

10. With regard to fact situation of present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of "Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case".



11. The principles laid down by the Hon'ble the Supreme Court of India in the case of 'Satender Kumar Antil Vs. Central Bureau of Investigation and Another', (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it has been observed that "the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice".

12. Recently, in the case of 'Tapas Kumar Palit Vs. State of Chhattisgarh', 2025 SCC Online SC 322, the Hon'ble Supreme Court of India has observed that "if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed". It has also been observed by the Hon'ble Supreme Court of India in the abovementioned case that "delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently".



13. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon'ble Apex court in "Balwinder Singh versus State of Punjab and Another", 2024 SCC Online SC 4354.

14. As a sequel to abovementioned observation, it is hereby observed that the appellant is entitled for the benefit of bail, and that the impugned order passed by the learned Additional Sessions Judge deserves to be set aside.

15. Accordingly, without commenting anything on the merits of the case, the present appeal is hereby *allowed*. The appellant is hereby ordered to be released on bail on his furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovementioned concession shall be subject to following conditions:-

- (i) that the appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) that the appellant shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and

(iii) that the appellant shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

06.04.2026

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Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No