



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

(203-1)**CRA-S-902-2026****Date of Decision: 29.04.2026**

JABRU KHAN ALIAS AFTAB

.....Appellant

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Soeb Khan, Advocate for
Mr. Aman Chaudhary, Advocate
for the appellant.

Mr. Anmol Malik, DAG, Haryana.

None for respondent No.2.

KIRTI SINGH, J. (ORAL)

1. The present appeal has been filed for grant of regular bail to the appellant by way of challenging the impugned order dated 17.02.2026 passed by learned Additional Sessions Judge, Faridabad, vide which the bail application in case FIR No.626 dated 27.11.2024 under Sections 115(2), 191(3), 190 117(4), 60, 76, 351(2) of BNS and Section 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989 , registered at Police Station Saran, District Faridabad, was dismissed.

2. The translated version of the FIR is reproduced below:-

*“To, Police Chowki Incharge Sir, Parvatiya Colony, Faridabad,
Subject: Assault by drunkards. I respectfully request that I, Uttam Chand,
S/O Kapur Chand, resident of Jawahar Colony, Block-B, H.NO 650, I am a
permanent resident of Parvatiya Colony. Today, my son Deepak was
returning home from my shop located in Saran Shoe Market at around 9:30
with his friend Vishal. When he reached the street, Vinod, Manoj, Yogesh,
Sumit, Jabru Khan, Deepak and some other people with them, who usually
sit in an empty plot in our locality and indulge in drugs and gambling,
about which my son Deepak has complained many times. Deepak told me*



that all these people assaulted my son Deepak, his friend Vishal, my wife xxxx and my daughter xxxx. They brutally beat us all with sticks and iron rods which they were holding in their hands. Deepak, my son told me that those people were shouting loudly, "Chhamaro, Chamatto, stay within your limits." You people cannot stop us from doing any wrong thing, you people belong to a low caste, we will beat you like this, you cannot harm us. They even said bad things to my sister xxxx who was at home, they did not even spare my sister, they hit my sister xxxx on her nose with a stick, her nose bone broke and they also beat my mother mercilessly and said if you want to save your children then show them their place. A person named Vinod who was abusing us loudly during the fight was saying that just like when we had given complaint earlier, nothing had happened to us, now also nothing will happen to us. We should be given justice, a case should be registered immediately, legal action should be taken against the culprits. Applicant SD 1 Deepak Nigam, Uttar Chand 730384xxxx Date 25-11-2024"

3. As per office report, notice issued to respondent No.2 received back served. However, none has put in appearance on behalf of respondent No.2.

4. Learned counsel for the appellant submits that the appellant, aged 21 years, has been falsely implicated in the present FIR on the basis of the statement made by the complainant. It is submitted that no specific role has been attributed to the appellant, as can be seen from a bare perusal of the FIR. It is further contended that therein, the primary role has been attributed to co-accused Vinod, from whom a *danda* was recovered; whereas no recovery was effected from the appellant. It is further submitted that there is no cogent evidence on record to substantiate the sweeping allegations leveled, particularly against the appellant. Moreover, similarly placed co-accused namely Imran, Sumit, Deepak and Manoj have already been granted the concession of regular bail by this Court vide order dated 29.05.2025 passed in CRA-S-1767-2025; and orders dated 08.09.2025 passed in CRA-S-2077-2025, CRA-S-1621-2025 and CRA-S-1364-2025. Learned counsel contends



that the appellant has already undergone custody of 01 year 04 months and 11 days. There is no other case registered against him.

5. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the appellant. Learned State counsel states that the appellant was actively involved in the commission of the offence. Learned State counsel has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the appellant has undergone an actual custody of 01 year 04 months and 11 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 17.03.2025 and out of total 22 prosecution witnesses, only 01 has been examined till date. Learned State counsel submits that in view of the serious allegations against the appellant, he is not entitled to the concession of regular bail.

6. Heard the rival submissions made by learned counsel for the parties.

7. Before proceeding further, a gainful reference can also be made to the observations passed by the Hon'ble Supreme Court in ***Sanjay Chandra v. CBI, (2012) 1 SCC 40***, relevant paras whereof reads thus:

"21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, "necessity" is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in



the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances."

8. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 17.03.2025. Yet only 01 out of 22 cited prosecution witnesses have been examined. The pace of the proceedings, thus, indicates that the conclusion is not imminent. The appellant has already remained in actual custody for a period of 01 year 04 months and 11 days.

9. While the truthfulness or otherwise of the allegations levelled against the appellant, and the culpability, if any, would be tested and determined on the touchstone of evidence during the course of trial, the parameters governing the grant of bail necessitate a balanced consideration of the nature of accusation, the stage of the trial, the antecedents of the accused, and the likelihood of his absconding or influencing the course of justice.

10. Presently, no material has been placed on record to suggest that the appellant poses a flight risk or that his release would impede the fair conduct of the trial. Therefore, upon taking into account all the considerations stated hereinbefore, and without expressing an opinion on the merits of the case lest it may prejudice the trial, this Court is of the opinion that the continued detention of the appellant, in the backdrop of the pace of the proceedings and the substantial period of incarceration already undergone, would not advance the cause of justice. The guarantee of personal liberty under Article 21 of the Constitution of India, which includes the right to a speedy trial, obliges the Court to ensure that pre-trial incarceration does not assume a punitive character. The prolonged incarceration, without the prospect of the trial being concluded in the near future, would also run



contrary to the settled legal principle that 'bail is the rule and jail is the exception', as reaffirmed by the Hon'ble Supreme Court in ***Dataram Singh vs. State of Uttar Pradesh and another (2018) 3 SCC 22.***

11. Accordingly, the present appeal is allowed, and to ensure that the interests of justice are adequately safeguarded, the appellant is ordered to be released on regular bail upon furnishing of adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate, subject to the following terms and conditions:-

- (i) The appellant will not tamper with the evidence during the trial.
- (ii) The appellant will not pressurize/intimidate the prosecution witness(s).
- (iii) The appellant will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The appellant shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) 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 from disclosing such facts to the Court or to any police officer or tamper with the evidence.

12. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

13. It is reiterated that the observations made in hereinabove are only for the purpose of adjudicating the present bail petition, and must not be



construed as a final expression of opinion on the merits of the case.

14. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

April 29, 2026
Ritika

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