

**CRA-S-1088-2026 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****210****CRA-S-1088-2026 (O&M)
Date of decision : 19.05.2026****LAKHBIR ALIAS KALA****... APPELLANT****Versus****STATE OF HARYANA AND ANOTHER****.. RESPONDENTS****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL****Present:- Mr. Kuldeep Singh Siwach, Advocate for the appellant.****Dr. Malvika Singh, DAG, Haryana.***********H.S. Grewal, J.(Oral)**

1. This appeal has been filed under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'SC/ST Act') against the order dated 04.02.2026 passed by the Court of learned Additional District and Sessions Judge, Fatehabad, whereby the application for grant of bail filed by the appellant has been dismissed in case FIR No. 382 dated 17.10.2025, registered under Sections 103(1), 3(5) and 61(2) of BNS, 2023 and Section 3(2)(v) of the SC/ST Act, 1989, at Police Station Sadar Fatehabad, District Fatehabad.

2. The case of the prosecution is that the complainant-Nirmal Singh alleged that his son, Jaspreet Singh, had fallen into drug addiction due to the influence of accused Mangal Singh alias Mangi and the present appellant, who were allegedly involved in the illegal sale of narcotic substances in the area. It was alleged that despite repeated requests by the complainant to stop supplying



narcotic substances to his son, the accused persons continued to do so and had even allegedly threatened the complainant with dire consequences. On 17.10.2025, the complainant received information that his son was lying dead at the house of co-accused Mangal Singh @ Mangi. Upon reaching the spot, he found the deceased lying in an open area within the premises of the said co-accused Mangal Singh @ Mangi. It is also alleged that due to previous animosity, the accused persons administered a lethal drug injection to the deceased, resulting in his death.

3. Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case and no specific role has been attributed to him in the occurrence. It is further submitted that it is a case of circumstantial evidence and there is no direct incriminating material connecting the appellant with the alleged administration of any substance to the deceased. He further submits that the addition of offence under Section 3(2)(va) of the SC/ST Act is an afterthought and the deceased died due to drug overdose. It is also submitted that no recovery has been effected from the appellant and an empty injection syringe was allegedly recovered during the investigation, wherein no poison was detected. The appellant is in custody for the last more than 06 months and 29 days. Although the appellant is involved in other cases but he is on bail in most of the cases. He, therefore, prays for release of the appellant on regular bail as the trial is likely to take a long time as only 01 out of 24 cited prosecution witnesses has been examined so far.

4. Notice of motion to respondent No.1 only at this stage.

5. On the asking of the Court, Dr. Malvika Singh, DAG, Haryana, accepts notice on behalf of respondent No.1/State and vehemently opposes the



prayer for grant of regular bail to the appellant. She has filed the custody certificate of the appellant in Court, which is taken on record. As per the custody certificate, the appellant is in custody for the last more than 06 months and 29 days. She, upon instructions, submits that viscera report is still awaited and only 01 out of 24 cited prosecution witnesses has been examined so far.

6. I have heard the learned counsel for the parties and perused the record.

7. After hearing the rival contentions of the learned counsel for the parties and keeping in view the facts and circumstances of the case that the appellant is in custody for the last 06 months and 29 days, it is a case of circumstantial evidence, no overt act has been attributed to the appellant, viscera report is still awaited and that the trial is likely to take a long time as only 01 out of 24 cited prosecution witnesses has been examined so far, therefore, this Court deems it fit to set aside the order dated 04.02.2026 passed by the learned Addl. Sessions Judge, Fatehabad and to grant the concession of regular bail to the appellant during the pendency of the trial as the continuous detention of the appellant would not serve the ends of justice.

8. Reference can be made to the judgment of the Hon'ble Supreme Court in the case of ***Pardeep Kumar @ Banu versus State of Punjab***, bearing Criminal Appeal No.1341/2026 (arising out of SLP(Cri.) No.18775/2025), decided on 13.03.2026, wherein it has been categorically held that where the accused has remained in custody for a considerable period and the trial has not even commenced, or is not likely to conclude in the near future, therefore, continued incarceration would amount to punishment without trial. In such



circumstances, further detention pending trial is not necessary and the accused is entitled to be released on bail.

9. Consequently, without expressing any opinion on the merits of the case, the instant appeal is allowed and the order dated 04.02.2026 passed by the learned Addl. Sessions Judge, Fatehabad in the aforesaid FIR is hereby set aside. The appellant is ordered to be released on regular bail on his furnishing requisite bail bonds, surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

10. However, it is made clear that in case the appellant misuses the concession of bail, the State/complainant would be at liberty to seek cancellation of his bail.

11. Pending application, if any, shall stand disposed of accordingly.

May 19, 2026
Sonia

(H.S.GREWAL)
JUDGE

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