



CRA-S-1216-2025 (O&M) -1-

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

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CRA-S-1216-2025 (O&M)
Date of decision:24.03.2026

Rai Singh

....Appellant

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Arshpreet Khadial, Advocate, for the appellant.

Mr. Manipal Singh Atwal, DAG, Punjab.

Mr. J. S. Khiva, Advocate, for respondent No.2.

AMAN CHAUDHARY, J. (ORAL)

1. The present appeal has been filed against the order dated 11.08.2023 passed by learned Addl. Sessions Judge, Mansa, vide which application for regular bail of the appellant has been dismissed in FIR No.32 dated 18.04.2023, under Sections 302, 364, 346, 120-B and 201 IPC and Section 3, 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Bareta, District Mansa.

2. Learned counsel submits that the appellant has been in custody for 2 years, 10 months and 24 days. In the initial complaint, the complainant had lodged a missing report on 04.04.2023 after 2 days and thereafter on 18.04.2023 she changed the statement and made allegations against the appellant that he took the deceased on his motorcycle to

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buy a phone. There is no evidence to connect him with the alleged incident. Charges have been framed on 16.09.2023, however, out of total 23 prosecution witnesses, only 03 have been examined and pursuant to the order dated 13.02.2026 passed by this Court, now the complainant stands examined. He is involved in the cases under Punjab Excise Act and 138 of Negotiable Instruments Act, 1881 and none under IPC, wherein he is 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 certificate dated 23.03.2026, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 2 years, 10 months and 24 days.

4. Learned State counsel as well as learned counsel for the complainant oppose the bail on the ground that there were specific allegations against the appellant levelled by the complainant, he actively participated in commission of offence alongwith the co-accused and committed the offence. However, they are unable to controvert the submissions with regard to stage of the case; the appellant being involved in 2 other cases and the co-accused having been released on bail.

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

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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.”

7. Considering the facts and circumstances of the case, in particular that the appellant is in custody for the last 2 years, 10 months and 24 days; on bail in other cases; charges stand framed on 16.09.2023; however, out of 23 prosecution witnesses, only 4 including the complainant have been examined, the trial is likely to take a considerable time, further incarceration of the appellant would be violative of his right enshrined under Article 21 of the Constitution of India, the impugned order dated 11.08.2023 is set aside and the present appeal is allowed.

8. The appellant is 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 appellant will not tamper with the evidence during the trial.
- (ii) The appellant will not pressurize/ intimidate the prosecution witnesses.
- (iii) The appellant will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The appellant shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The appellant 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.

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- (vi) The appellant shall not in any manner misuse his liberty.
- (vii) The appellant shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The appellant 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 appellant.

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 appellant 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.

24.03.2026
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(AMAN CHAUDHARY)
JUDGE

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