

2026.PHHC.046475



CRA-S-2861-2025

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

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CRA-S-2861-2025 (O & M)

Date of decision: 24.03.2026

Tej Singh

....Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rakesh Dhiman, Advocate,
for the appellant.

Mr. B.S.Saroja, DAG, Haryana.

AMAN CHAUDHARY, J. (ORAL)

1. The present appeal has been filed against the order dated 07.08.2025 passed by learned Addl. Sessions Judge, Sonipat, vide which application for grant of regular bail of the appellant has been dismissed in FIR No.610 dated 29.09.2022, under Sections 302, 201, 346, 365 IPC and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Kharkhoda, Sonipat.

2. Learned counsel submits that the appellant has been in custody for 2 years, 6 months, 2 days. He was initially not named in the FIR, however, on a statement of brother of the deceased given on 20.10.2022 that appellant was implicated on the basis of last seen evidence. There is no evidence to connect him to the alleged incident. No

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recovery has been effected from him. Charges have been framed on 23.02.2024 and 23 PWs, out of 39, including the complainant and all material witnesses, stand examined. He is involved in one more case wherein he has been granted bail vide order dated 05.02.2026. 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. Learned State counsel opposes the bail on the ground that specific allegations have been levelled by brother of the deceased against the petitioner that he was last seen with him. However, she is unable to controvert the submissions with regard to custody, stage and the appellant being on bail in another case.

4. Heard.

5. 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 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."

6. Considering the facts and circumstances of the case, in particular that the appellant is in custody for last 2 years, 6 months, 2 days; on bail in another case; charges stand framed on 23.02.2024 and out

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of 39 PWs, 23 including the complainant and material witnesses, 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 28.07.2025 is set aside and the present appeal is allowed.

7. 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.
- (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.

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(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the appellant.

8. 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.

9. 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

ashok

(AMAN CHAUDHARY)
JUDGE

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