



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

211

CRA-S No.3780 of 2025

Date of decision : 18.2.2026

Date of uploading : 18.2.2026

Sukhdev @ Sukhdev alias Sukha

.....Appellant

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. D.S. Virk, Advocate, for the appellant

Ms. Priyanka Sadar, Senior DAG, Haryana

None for respondent no.2

SUMEET GOEL, J. (ORAL)

1. Present appeal has been filed against the order dated 12.9.2025 passed by the Additional Sessions Judge, Special Court, Kaithal, whereby the application for grant of regular bail to the appellant in FIR No.16 dated 23.1.2021 under Sections 148, 149, 323, 302 of IPC and section 3(2)(va) of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Gulha, District Kaithal, has been dismissed.
2. The case set up in the FIR in question (as set out in the present appeal by the appellant) is as follows:-

'Copy of statement is as, Statement of Sonu Kumar S/o Amarjit Singh R/Salempur Tehsil Gulha, aged 22 years M. No. 98136 09023, that I am a



resident of above said address and have studied upto matric. We are two brothers yesterday on 22.01.21 at around 9/9.30 pm, there was a marriage program at the house name Ajay, father name is unknown, his tenant house. Pala Ram, in our colony and DJ was playing there. Me and My grandfather Jangir Singh, son of Chann Singh, resident of Ward No. 9 Salempur and my younger brother Monu going to watch the DJ playing in Ajay's Saadi Samaroh. When we reached in front of the big gate of the park, 8-10 boys, including Suresh, were coming from the front. Suresh Kumar alias Bini resident of village Singh, Rahul resident of Singh. Sukhi resident of Pehowa Road in front of college Cheeka, Sanju resident of Bega Basti, Sumit alias Kaga resident of Sanjay Basti, Suresh alias Kida resident of Nandgarh and four/five other boys with swords and gundasies in their hands. They ran towards us shouting slogans they came from the side of marriage program and one of those boys hit my grandfather Jangir Singh on the head with a Gandasi. As soon as the Gandasi hit me, my grandfather fell on the road, after which I, My family members were called and we took my grandfather to Mahavir Dal Hospital, Chika for treatment from where my grandfather referred was to Guhla Government Hospital. After being bandaged in Guhla Government Hospital, he was referred to Rajendra Hospital, Patiala. My grandfather died in Rajendra Hospital Patiala due to gandasi injury. We had no dispute of any kind with these boys earlier. Some of the above mentioned boys have hurt my grandfather by hitting him on the head with a Gandasi. Due to which he died during treatment. Among the above mentioned boys real culprit should be found and take legal action against them for murdering my grandfather by giving Gandasi blow them. I have got written my statement to you, read it ok. Sd/- Sonu Attested - Jaipal ASI Police Station Guhla Date 23-01-21.'

3. Learned counsel for the appellant has argued that the appellant is in custody since 5.7.2021. Learned counsel has further argued that the appellant has been falsely implicated into the FIR in question. Learned counsel has further submitted that out of total 36 cited prosecution witnesses, 30 stood examined, which included prime prosecution witness namely Sonu Kumar, but thereafter co-accused namely Suresh Kumar @



Biyo was arrested and the trial culminated afresh. Learned counsel has further submitted that even after fresh culmination of the trial, 19 prosecution witnesses out of 36 stand examined. Learned counsel has further submitted, that as per the order passed by the trial Court, the prime prosecution witness namely Sonu Kumar is not to be cross-examined by counsel for Suresh Kumar @ Biyo (the accused who has been arrested later on). Learned counsel has further submitted that there is no material evidence except in the shape of disclosure against the petitioner. Learned counsel has further submitted that the petitioner has suffered incarceration for more than 4 years. Thus, regular bail is prayed for.

4. Learned State counsel has filed status report by way of affidavit of Kuldeep Singh, HPS, Deputy Superintendent of Police, Guhla, District Kaithal dated 11.1.2026 in Court. Raising submissions in tandem with the said status report, learned counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the appellant does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 17.2.2026 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The appellant was arrested in the present case on 5.7.2021 whereinafter investigation was carried out and challan stands presented in the Court on 7.9.2021. Total 36 prosecution witnesses have been cited, out of which 30 were earlier examined. Even after re-beginning of trial,



upon arrest of co-accused Suresh Kumar @ Biyo, 19 witnesses stand examined. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in ***Criminal Appeal No.2787 of 2024*** titled as ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another***, decided on 03.07.2024; relevant whereof reads as under:-

“19 If the State or any prosecuting agency including the court concerned has no wherewithal to provide or protect the fundamental right of an accused to have a speedy trial as enshrined under Article 21 of the Constitution then the State or any other prosecuting agency should not oppose the plea for bail on the ground that the crime committed is serious. Article 21 of the Constitution applies irrespective of the nature of the crime.

20. We may hasten to add that the petitioner is still an accused; not a convict. The over-arching postulate of criminal jurisprudence that an accused is presumed to be innocent until proven guilty cannot be brushed aside lightly. howsoever stringent the penal law may be.

21. We are convinced that the manner in which the prosecuting agency as well as the Court have proceeded, the right of the accused to have a speedy trial could be said to have been infringed thereby violating Article 21 of the Constitution.”

6.1 The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the appellant absconding from the process of justice or interfering with the prosecution evidence.

6.2 As per custody certificate dated 17.2.2026 filed by learned State counsel, the appellant has already suffered incarceration for a period of 4



years, 7 months and 12 days. As per the said custody certificate, the appellant is stated to be involved in multiple other cases/FIRs. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the appellant in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, further detention of the appellant as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present appeal is allowed. Appellant is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the appellant shall remain bound by the following conditions:-

- (i) The appellant shall not mis-use the liberty granted.
- (ii) The appellant shall not tamper with any evidence, oral or



- documentary, during the trial.
- (iii) The appellant shall not absent himself on any date before the trial.
 - (iv) The appellant shall not commit any offence while on bail.
 - (v) The appellant shall deposit his passport, if any, with the trial Court.
 - (vi) The appellant shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
 - (vii) The appellant shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the appellant.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

18.2.2026
Ashwanii

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