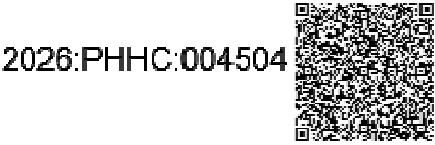


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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Amit @ Mita
.....Appellant

versus

State of Haryana and others
.....Respondents

Date of Decision: January 15, 2026
Date of Uploading: January 15, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Pranshul Dhull, Advocate and
Mr. Punyaveet, Advocate for the appellant.

Ms. Priyanka Sadar Thakur, Senior DAG Haryana.

Mr. Abhimanyu Bishnoi, Advocate for respondent No.3.

SUMEET GOEL, J. (ORAL)

Present appeal has been filed under Section 14-A of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short ‘SC/ST Act’) for grant of regular bail to the appellant in case bearing FIR No.420 dated 10.10.2021, registered for the offences punishable under Sections 148, 149, 302, 323 & 324 of the Indian Penal Code, 1860 (for short ‘IPC’), Section 3 of the SC/ST Act and Section 25 of the Arms Act, 1959 (for short ‘Arms Act’), at Police Station Sadar, Sonipat.

2. The gravamen of the allegations against the appellant is that injured/ complainant, namely, Aman stated that he had studied up to 11th standard and was engaged in agriculture. He further stated that on 09.10.2021, while food was being packed at Bhola Punjabi Dhaba, Khanpur, owned by

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Rakesh, a dispute had arisen, after which all parties returned to their respective homes.

On the following day, Pardeep of Barwasni informed the complainant that he would get the matter compromised regarding the previous day's quarrel at the dhaba. Acting on this assurance, the complainant and his companions reached the spot indicated by Pardeep on their motorcycles, where several persons were already present. The accused persons allegedly administered liquor to them and mixed some pills in the liquor given to Krishan. Pardeep Barwasni allegedly pointed a pistol at the forehead of the complainant, while Amit @ Meeta (*petitioner herein*), Kishori, Sunny, and Devender inflicted injuries upon the complainant and Krishan using *bittas* and *dandas*. During the incident, the complainant's friend Jagdeep and Krishan managed to flee the spot on a motorcycle. The complainant and Krishan sustained serious injuries in the assault. It was further alleged that Pardeep Barwasni also struck the complainant on the head with a '*kassi*'. On noticing people gathering from the neighbourhood, all the accused persons fled from the spot.

The complainant informed the police at about 1:30 PM, following which an ambulance reached the spot and both the complainant and Krishan were shifted to PGI Khanpur. During the course of treatment, Krishan succumbed to his injuries, while the complainant was referred to PGIMS, Rohtak, owing to the seriousness of his injuries, where he continued to receive treatment. It was alleged that Amit (*petitioner herein*), Sunny, Pardeep, Kishori, and Devender caused injuries to both the complainant and Krishan, as a result of which Krishan died.

3. Learned Senior counsel for the appellant has iterated that the appellant is in custody since 10.10.2021. Learned Senior counsel has further

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iterated that the appellant has been falsely implicated into the FIR in question. Learned Senior counsel has further argued that there is no tangible evidence available so as to warrant conviction of the appellant. Learned Senior counsel has further argued that all the private prosecution witnesses stand examined and, thus, there is no chance of the appellant tampering with the prosecution evidence. Thus, regular bail is prayed for.

4. Learned State counsel as also learned counsel for respondent No.3 have opposed the present appeal by arguing that the allegations raised against the appellant are direct/ serious in nature and, thus, the appellant does not deserve the concession of the regular bail. Learned counsel for respondent No.3 has further argued that in case, the appellant is released on bail, he may abscond the process of justice as also interfere with the prosecution evidence. Learned State counsel seeks to place on record the custody certificate dated 14.01.2026, in the Court today, which is taken on record.

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

6. The appellant was arrested on 10.10.2021, whereinafter, the investigation was carried out and the challan has been presented on 12.01.2022. Total 35 prosecution witnesses have been cited, out of which, 21 have been examined till date.

At this juncture, it would be apposite to refer herein a judgment of the Hon'ble Supreme Court in ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and anothers, 2024(3) RCR (Criminal) 494***, which reads thus:

“18. Criminals are not born out but made. The human potential in everyone is good and so, never write off any criminal as beyond redemption. This humanist fundamental is often missed when dealing with delinquents, juvenile and adult. Indeed, every saint has a past and every sinner a future. When a crime is committed, a variety of factors is responsible for making the offender commit the crime. Those factors may be social and economic, may be, the result of value erosion or parental neglect; may be, because of the stress of circumstances, or the

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manifestation of temptations in a milieu of affluence contrasted with indigence or other privations.

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 appellant 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.”*

The rival contentions raised at Bar 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.

7. As per custody certificate dated 14.01.2026 filed by learned State counsel, the appellant has already suffered incarceration for a period of 03 years, 08 months and 13 days. Further, as per the said custody certificate, the appellant is stated to be involved in other FIR(s). 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***

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(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.

8. 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 cellphone 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/Illaq Magistrate.
- (vii) The appellant shall not in any manner try to delay the trial.

9. 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.

10. Ordered accordingly.

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11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

January 15, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No