



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Appeal No. S-810 of 2026

Date of Decision: 15.05.2026

Dharmender Kumar

... Appellant(s)

Versus

State of Haryana and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Sandeep Kumar Rana, Advocate
for the appellant(s).

Mr. Suneel Ranga, Deputy Advocate General,
Haryana, for the respondent No.1.

Mr. Sunny Singla, Advocate (Legal Aid Counsel)
for the respondent No.2.

Surya Partap Singh, J.

1. This is an appeal under Section 14-A(2) of ‘the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989’, hereinafter being referred to as “the SC & ST Act” only. Aggrieved of the order dated 20.02.2026, passed by the learned Special Judge, designated under the SC & ST Act [Additional Sessions Judge], Faridabad, the present appeal has been filed.

2. Heard.

3. It has been contended on behalf of appellant that for the offence punishable under Section(s) 115(2), 126(2), 79, 351(3), 3(3) and 3(5) of ‘the Bharatiya Nyaya Sanhita, 2023, hereinafter being referred to as “BNS” only’, Sections 3(1)(s) and 3(2)(va) of the SC & ST Act, the FIR, i.e. FIR

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No. 517 dated 22.08.2025 was lodged in Police Station Palla, District Faridabad, Haryana, and with regard to above-mentioned offence, the appellant has been taken into custody.

4. According to learned counsel for the appellant, the appellant is already in custody for a period of more than four months & 18 days, and that the trial of the case will take some time as it has not yet commenced. It has also been contended by learned counsel for the appellant that the co-accused of the appellant, namely 'Bhanwar Singh' has already been accorded the benefit of bail. The learned counsel for the petitioner has also contended that there is no specific details of the words which were allegedly used by the petitioner, and that even the details of persons who were present on the spot have not been given.

5. The learned State counsel, being assisted by learned counsel for the complainant, has controverted the above-mentioned arguments. According to learned counsel for the complainant, the appellant has played pivotal role in the commission of crime and therefore, in view of prominent role played by the appellant, he is not entitled to the benefit of bail.

6. The record has been perused carefully.

7. A perusal of record shows that the FIR of this case came into being at the instance of 'Meena Tanwar' hereinafter being referred to as "complainant" only. It was stated by the above-named complainant that she had purchased a plot from the petitioner, but the petitioner did not execute sale deed of the same and therefore, there was a dispute between them. According to complainant, 'Bhanwar Singh', a resident of 'Agwanpur', too, was involved in the above-mentioned dispute, and that he used to side with

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the petitioner. As per complainant on 19.08.2025 they had fought with her near 'Gyasi Kothi' and in the above-mentioned incident 'Bhanwar Singh' had used caste-slur against the petitioner. The complainant further stated that on 22.08.2025 at about 09:30 A.M. in Om Enclave in front of Hanuman Temple', 'Bhanwar Singh and the petitioner met her and while using caste slur threatened her not to prefer any complaint against them, otherwise she and her children would be done to death.

8. It is the case of prosecution that pursuant to above-mentioned statement, formal FIR of this case was lodged and the investigation taken up.

9. In view of above, following are the relevant factors which are required to be taken into consideration for a decision:-

- i) that the appellant has already suffered incarceration for a period of more than four months & 18 days;
- ii) that there is no specific allegation against the petitioner that on 19.08.2025 he had used any derogatory words in the name of caste of the petitioner;
- ii) that with regard to incident dated 22.08.2025 there is no detail of the words used by the petitioner. In addition to above there is no specific allegation that at the time of above-mentioned incident any other person was also present. Thus, there is a question mark with regrd to the claim that the incident had taken place in public view;
- iv) that the trial is not likely to take place in near future as it has not yet commenced;
- v) that the investigation is already complete, and therefore,

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nothing has been left to be recovered from the possession of appellant;

- vi) that the benefit of bail has already been afforded to the co-accused;
- vii) that the detention of petitioner in judicial lock-up is not likely to serve any purpose;
- viii) that there is nothing on record to show that while on bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- ix) that there is nothing on record to show that while on bail, the petitioner will not participate/cooperate in the investigation.

10. In view of above mentioned observations, it is hereby held that the appellant is entitled to bail and the present appeal deserves to be allowed. Hence, the same is hereby **allowed** and the impugned order dated 20.02.2026 passed by the court of learned Additional Sessions Judge, Faridabad, whereby the appellant's application for bail has been dismissed, is hereby set aside.

11. Accordingly, it is hereby directed that the appellant shall be released on bail on furnishing bonds to the satisfaction of learned Special Judge (designated under the SC & ST Act). However, the above-mentioned liberty shall be subject to following conditions:-

- (i) that the appellant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade

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him from disclosing such facts to the Court or to any police officer;

(ii) that he shall not leave India without the prior permission of the Court;

(iii) such other condition as may be imposed under subsection (3) of Section 480 of BNSS, as if the bail were granted under that section.

12. It is, however, clarified that any observations made in the above-mentioned order shall not be construed as an expression of opinion on the merits of the case.

(Surya Partap Singh)
Judge

May 15, 2026

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No