

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

219

CRA-S-1139-2026 (O&M)**Date of decision : 21.07.2026**

Ajay Kumar Chauhan

..... Appellant

VERSUS

State of Haryana & Anr.

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Ranjeet Singh Chauhan, Advocate for the appellant.

Ms. Deepali Verma, Asst. A.G. Haryana.

None for the respondent No.2.

SURYA PARTAP SINGH, J.

As per office report, notice issued to the respondent No.2 received back duly served. However, despite service of notice no one has put in appearance on behalf of respondent No.2.

2. The learned State Counsel has filed custody certificate of the appellant. The same be taken on record.

3. The appellant has filed the present appeal under Section 14-A of the 'Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989', hereinafter being referred to as the 'SC/ST Act'. It has been filed to challenge the order dated 05.03.2026, hereinafter being referred to as 'impugned order' only, passed by the Court of learned Additional Sessions Judge Faridabad, designated under SC/ST Act. By virtue of impugned order,



the bail application filed by the appellant was dismissed in a case arising out of FIR No.301 dated 27.09.2025 under Sections 126(2), 115(2), 351(2), 117(2), 190, 191(3), 324(2) of Bharatiya Nyaya Sanhita, 2023, hereinafter being referred to as 'BNS' and Sections 3(1)(S), 3(2)(Va) of SC/ST Act, Police Station Saran, District Faridabad.

4. Briefly stating the facts emerging from the record are that the FIR of this case came into being at the instance of 'Anand', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that on 27.09.2025 at about 08:00 pm, he received an information that some assailants were beating his brother 'Hemant' with sticks and steel-rods at 'Ramphal Mandi Lal Chowk'. According to complainant, he rushed to the spot, where 'Hemant' informed him that 'Ajay' (the petitioner herein), 'Mahesh', 'Mannu' and other co-accused along with 8-10 unidentified persons came on three motorcycles, wrongfully restrained him and started using caste-based slur. As per complainant, when 'Hemant' attempted to record the incident in his mobile phone, the accused persons snatched his phone and assaulted him with sticks & steel-rods, while referring to his caste and threatening him to withdraw the case. According to complainant, the assailants also threatened that otherwise they would eliminate his family.

5. It is the case of the prosecution that on the basis of abovementioned statement, formal FIR of this case was lodged and the investigation taken up.

6. Heard.



7. The record has been perused carefully.
8. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-
- i) that the appellant is already in custody for a period of more than nine months;
 - ii) that the appellant has clean antecedents;
 - iii) that the investigation in this case is already complete and therefore, nothing has been left to be recovered from the possession of petitioner;
 - iv) that the trial of the case is not likely to be concluded in near future;
 - v) that detention of appellant in judicial lockup is not likely to serve any purpose;
 - vi) that there is nothing on record to show that if released on bail, the appellant may tamper with the evidence or influence the witnesses; and
 - vii) that there is nothing on record to show that if released on bail, the appellant will not co-operate/participate in the trial.
9. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of "Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are



instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

10. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’, (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to



legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

11. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

12. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “Balwinder Singh versus State of Punjab and Another”, 2024 SCC Online SC 4354.



13. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the appellant is entitled to the benefit of bail, and that the learned trial Court has committed an error of judgment, while denying the abovementioned benefit to the appellant.

14. As a sequel to abovementioned observations, the present appeal is hereby ***allowed*** and the impugned order is hereby set aside. The appellant is hereby ordered to be released on bail on his furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovementioned concession 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 him to disclose such facts to the Court or to any other authority.
- (ii) that the appellant shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the appellant shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

21.07.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No