

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

**CRA-S No.447 of 2025
Reserved on: 08.05.2025
Date of decision : 09.05.2025**

AMIT ALIAS RAJU ALIAS FLUD

.... Appellant

Versus

STATE OF HARYANA AND ANOTHER

.... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. B.K. Majoka, Advocate for the appellant.

Ms. Sheenu Sura, D.A.G., Haryana.

Ms. Alisha Soni, Advocate for respondent No.2.

MANISHA BATRA, J. (oral)

1. The instant appeal has been filed under Section 14 A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short-~~the~~ **SC/ST Act**), challenging the order dated 22.01.2025 passed by the Court of learned Additional Sessions Judge, Faridabad in case arising out of FIR No.281 dated 04.06.2023 registered under Sections 365 and 120-B of IPC, (Sections 323, 364, 302, 201 of IPC and Section 3(2)(va) of the SC/ST Act), at Police Station Saran, District Faridabad, whereby, an application for grant of regular bail as filed by the appellant had been dismissed.

2. Brief facts relevant for the purpose of disposal of this appeal are that the aforementioned FIR was registered on the basis of a complaint lodged by the complainant-Reema alleging therein that she along with his family members was residing in a rented accommodation at village Saran. Her brother-Yogesh was also residing as a tenant with his family members, in the



same house and her brother-in-law namely, Rinku had been residing with her. Both Rinku and Yogesh used to do work of fixing tiles. She alleged that on the evening of 03.06.2023, her brother-Yogesh and brother-in-law Rinku told her that they were telephonically called by one Asim at his shop situated at New Janta Colony, Dabua Road as he had some work for them. Both of them had left the house but did not return till late. At about 11 pm, Rinku made a call to her husband informing that Yogesh and himself had been abducted by the abovesaid Asim who had taken them towards Ballabgarh on the pretext of showing the site. He also informed that the above said Asim and his accomplices had physically assaulted him and Yogesh and had taken them in a vehicle to Khurja (U.P.). Rinku had somehow, saved himself by jumping from the vehicle but Yogesh was still in custody of abductors.

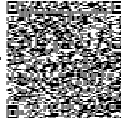
3. After registration of the FIR, investigation proceedings were initiated. During the investigation, the co-accused Shmim Malik and the appellant were arrested from Khurja on 04.06.2023. On their identification and two other accused namely, Kalu Kumar and Dharampal was also arrested on the same day. The appellant and other accused suffered disclosure statements to the effect that they had killed Yogesh and had buried his dead body under the sand. Offences under Section 302 and 201 of IPC were added. The accused Dharampal and Kalu Kumar got the dead body of Yogesh recovered from village Rajwaha, District Bulandshahr, U.P. and the same was identified by his family members. Post mortem examination and inquest proceedings were conducted. The appellant got recovered an amount of ₹1500/- and demarcated the place of occurrence. The other co-accused were involved in the occurrence



were also arrested. On 04.08.2023, statements of Rinku, Ramesh Chand who is the father of the deceased Yogesh were recorded wherein they alleged that the appellant along with co-accused had uttered caste derogatory remarks. The deceased belonged to the schedule caste. Offences under Section 323, 364 of IPC and Section 3(2)(v) of SC/ST Act were added and offence under Section 365 of IPC was deleted. Investigation stands concluded and the appellant along with co-accused is facing trial for commission of offences punishable under Sections 302, 323, 201, 364 read with Section 3(2)(va) of the SC/ST Act. The appellant had filed an application for grant of regular bail which was dismissed by the trial Court vide order dated 22.01.2025 and feeling aggrieved, present appeal has been filed.

4. It is argued by learned counsel for the appellant that the impugned order is not sustainable in the eyes of law as while passing the same, learned trial Court failed to observe that he had been falsely implicated in this case. No injury on the person of victim had been attributed to him. The complainant, her husband and the eye witness/victim Rinku have already been examined and they have not implicated the appellant in commission of subject offences. He is in custody since long. His further incarceration would not serve any purpose. The trial would take considerable time to conclude. His participation in the crime has not been established. Accordingly, it is urged that the impugned order is liable to be set aside and the appeal deserves to be accepted.

5. *Per contra*, learned State counsel assisted by learned counsel for respondent No.2 has argued that there are grave allegations against the appellant. His complicity in the crime stands established from the material

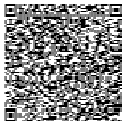
**CRA-S No.447 of 2025**

-4-

collected during the investigation. It is therefore, argued that the appeal do not deserve to be allowed.

6. Rival submissions raised by the parties have been heard.

7. The appellant is alleged to have hatched a criminal conspiracy with the co-accused and to have abducted the victim Yogesh and Rinku and alleged to have assaulted them. As per further allegations, they committed murder of the victims Yogesh and concealed his dead body to cause disappearance of evidence of murder. The appellant has placed on record copies of sworn depositions recorded by PW-1 Rinku who was one of the victims, PW-2 Reema and PW-3 Malkhan Singh who is the husband of the complainant. A perusal of testimony of PW-1 Rinku reveals that though he deposed that on 03.06.2024, on calling of one unknown person, he had gone along with Yogesh and was taken to some unknown place and that they were assaulted but he further stated that while on the way, the victim Yogesh and himself found opportunity and jumped from the car and they ran in different directions. He denied that the appellant and co-accused were the persons who had abducted him and assaulted him. He was declared hostile and was allowed to be cross examined by learned Public Prosecutor but no incriminating evidence appears to have been extracted from his testimony. Similarly, the complainant PW-2 Reema and her husband PW-3 Malkhan Singh are not shown to have supported the prosecution case at all and both of them have also turned hostile. They have not implicated the appellant at all. The position which as such emerges that the appellant was not the person who had got the dead body of the victim recovered. The trial is likely to take time to conclude.



Keeping in view the nature of the evidence that has come on record in the form of testimonies of PW-1 to PW-3, this Court is of the opinion that it is a debatable question as to whether the subject offences were committed by the appellant. As such, a case is made out at this stage to extend benefit of bail to the appellant. Accordingly, the appeal is allowed and appellant is ordered to the released on bail during the pendency of the trial subject to his furnishing personal and surety bonds to the satisfaction of the learned trial Court. It is, however, clarified that nothing discussed above shall be considered to be an expression of opinion on the merits of the case. Further, in case, appellant is found to be involved in any other offence, the respondents are at liberty to seek cancellation of bail in this case.

8. Since the main case is disposed of, pending application, if any also stands disposed of.

09.05.2025
Jyoti-IV

(MANISHA BATRA)
JUDGE

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