

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-118-2022
Reserved on : 28.01.2022
Pronounced on : February 03, 2022

Joginder ... Appellant

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Harinder Singh, Advocate for the appellant.

Mr. Manish Bansal, DAG, Haryana.

ANOOP CHITKARA,J

FIR No.	Dated	Police Station	Sections
254	13.07.2021	Sadar, Narwana.	365 and 306 of IPC and Sections 3(1)(S), 3(1)(H), 3(2)(v) of SC/ST (POA) Act, 1989.

Aggrieved by the dismissal of his bail under section 439 CrPC, the accused has come up before this court by filing an appeal under section 14-A (2) of Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989, (SCSTPOA), seeking bail.

- The petitioner had filed a bail application before the Additional Sessions Judge, Jind, which was dismissed on 14.12.2021.
- In Para 21 of the bail application, the petitioner declares no criminal history.
- Ld. Counsel for the petitioner contends that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
- The contention on behalf of the State is that the offence is very grave and heinous.

REASONING:

- As per paragraph 17 of the petition the challan stands filed. Despite that the copy of the police report under section 173 CrPC has not been annexed with the

appeal. It is not the case of the appellant that he has not received the report under section 207 CrPC.

7. Had the accused not received the documents in compliance with S. 207 CrPC, this Court would have certainly asked the respondent to produce the same. However, the petitioner does not claim the non-receipt of the challan. The accused receives copies of the Police report and the copies of the statements of witnesses free of cost.

8. The allegations in the case are serious and the offence heinous. To decide the bail petition on merits would require this Court to peruse the evidence collected by the prosecution. The petitioner has neither annexed the copy of the police report filed under Section 173(2) CrPC, nor does he say that the Trial Court did not supply the same to him under S. 207 CrPC. There is no ground pleaded or explanation offered regarding reasons that constrained the petitioner from annexing those while filing the petition. Thus, the Court cannot decide the bail petition.

9. Given above, in the facts and circumstances peculiar to this case, the appeal is **dismissed**. However, the appellant/accused shall be at liberty to file a new appeal on the same cause of action by annexing complete copy of the police report and all necessary documents.

Appeal dismissed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

February 03, 2022
Manpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No.