

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-398-2022
Reserved on: 23.03.2022
Pronounced on: March 31, 2022

Joginder ... Appellant

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Pawan Kumar Hooda, Advocate for the appellant.

Ms. Tanushree Gupta, DAG, Haryana.

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

Criminal Case no. before trial Court	Bail application No.417 CIS No.1615 of 2021 Date of order:14.12.2021
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Aggrieved by the dismissal of his bail under section 438 CrPC, the accused has come up before this court by filing an appeal under section 14-A of Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989, (SCSTPOA), seeking bail.

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

REASONING:

6. In her initial complaint, the victim’s mother had explicitly stated that the appellant

Joginder took the deceased Naveen, a person belonging to the scheduled caste, with him to do labor work. After that, she received a phone call from Gurdev that Joginder was beating her son. Later on, the police recovered the dead body of Naveen from a canal. Although, as per post mortem report, there were no injury marks; however, the body was in the water for around 20-22 hours or so, and water creatures had nibbled a few body parts. Thus, even if it is presumed that the beatings were mild and did not cause any superficial injuries, still the deceased was last seen with the accused Joginder, and before that, there is nothing to suggest that Naveen was in a mental framework to commit suicide. Thus, prima facie, the suicide resulted from abetment and instigation of the accused/appellant Joginder, and the accused fails to make a case for bail at this stage.

7. Given above, in the facts and circumstances peculiar to this case, the prayer for bail is rejected at this stage. However, the appellant/accused shall be at liberty to file a fresh bail petition under section 439 CrPC, either before this court or before the trial court; however, on the fresh cause of action or in the changed circumstances, or even after the examination of the complainant.

8. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

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

(ANOOP CHITKARA)
JUDGE

March 31, 2022
Sonia arora

Whether speaking/reasoned: Yes
Whether reportable: No.