

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

241

CRA-S-1149 of 2022 (O & M)
Date of decision: 17.08.2022

Chander Pal @ Bittu

... Appellant

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Ms. Ankita Ahuja, AAG, Haryana.

SUVIR SEHGAL J. (ORAL)

As per office report, complainant-respondent No.2 has been served. However, there is no representation on her behalf.

Instant appeal has been filed under Section 14-A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for short "SC/ST Act") impugning order dated 09.06.2022, whereby learned Additional Sessions Judge, Karnal has dismissed the bail application of the appellant in FIR No.170 dated 14.04.2022 registered under Sections 323, 354, 452 of IPC, 1860, and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST Act, at Police Station Taraori, Karnal, Annexure A-1.

As per the case of the prosecution, FIR, Annexure A-1, has been registered on the complaint of a married lady on the allegation that on 13.04.2022 at about 09.30 PM, Bittu (present appellant) came to her house in an intoxicated state and misbehaved with her. He was pushed

out of the house but he managed to jump over the gate. He entered again, physically assaulted her and her husband and used caste based racist words.

Counsel for the appellant submits that FIR, Annexure A-1, is a retaliation to FIR, Annexure A-2, lodged by a family member of the appellant, wherein during investigation, it was found that brother-in-law of the complainant is involved. Counsel submits that it would remain a matter of debate as to whether the appellant had used derogatory words attracting offence under SC/ST Act. He submits that another FIR bearing No.171 dated 14.04.2022, Annexure A-3, has been lodged against the appellant for offences under Sections 148, 149, 323, 324, 452, 506 of IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST Act, wherein the appellant has been granted regular bail by this Court vide order dated 11.07.2022 passed in CRM-M-26878-2022. Counsel submits that the investigation is complete and the appellant is no longer required for custodial interrogation and, therefore, deserves to be released on bail.

Per Contra, State counsel, upon instructions from ASI Krishan, while opposing the appeal, submits that the appellant has been specifically named and there are categoric allegations against him. She, however, submits that there is no medico-legal report to support the allegation of physical assault. As per her instructions, final report has been presented under Section 173 of Cr.P.C.

Having considered the submissions made by counsel for the parties, but without adverting to the merits or de-merits of the arguments addressed, this Court is *prima facie* of the view that the complicity of the

appellant in the offence would be adjudicated by the trial court. Appellant, who is in custody for the last 04 months, would be entitled to be released on bail as the investigation is complete and the trial is yet to start.

Appeal is allowed. Appellant is ordered to be enlarged on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

17.08.2022

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No