

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

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**CRA-S No.1929 of 2022 (O&M)
Date of Decision: 18.10.2022**

Vikas

...Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present :- Mr. Rajesh Khandelwal, Advocate
for the appellant.

Mr. Amrik Narwal, DAG, Haryana
for respondent No.1-State.

None for respondent No.2.

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MEENAKSHI I. MEHTA, J.

Feeling aggrieved by the order dated 20.07.2022 handed down by learned Additional Sessions Judge, Hisar, dismissing the application moved by the appellant-accused for seeking the relief of regular bail in the criminal case arisen out of the FIR bearing No.268 dated 10.04.2022 registered at Police Station City Hansi, Hisar, under Sections 147, 148, 149, 323, 379-B & 506 IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (wherein the offence under Section 379-B IPC is stated to have been deleted and the offences under Sections 325 and 120-B IPC are stated to have been added later-on), he (appellant-accused) has preferred the instant appeal to lay challenge to the same.

2. Shorn and short of unnecessary details, the allegations, as levelled by respondent No.2-informant-injured named Himanshu in the subject FIR, are that on 07.04.2022, he had gone to the barber's shop to get a haircut. In the meantime, the appellant and his co-accused, along-with 4-5 more persons, came there and they caused injuries to him with iron-rod and 'Dandas' (thick wooden sticks).

3. Status-report on behalf of Respondent No.1-State (by way of the affidavit of the Deputy Superintendent of Police, Hansi, District Hisar), along-with Annexures R-1 to R-3 and the vernacular version of Annexure R-1, has already been filed.

4. It is pertinent to mention here that as per the report of the Registry as well as the report Annexure R-1, the notice qua the present appeal had been served upon respondent No.2 for 11.10.2022 but however, neither he (respondent No.2) himself nor anyone else on his behalf put in appearance in the Court on that day.

5. I have heard learned counsel for the appellant as well as learned State counsel in this appeal and have also perused the file carefully.

6. Learned counsel for the appellant contends that the appellant is behind the bars since the date of his arrest, i.e 27.04.2022 and the Challan has also been presented before the competent Court and respondent No.2-injured has already been discharged from the hospital and moreover, the appellant is not involved in any other criminal case of the similar nature and in these circumstances, the impugned order dated 20.07.2022 is not legally sustainable and is, therefore, liable to be set aside and the appellant,

thus, deserves the relief as prayed for in the instant appeal.

7. Though, learned State counsel has not disputed the afore-referred factual position but he opposes the prayer of the appellant for the grant of regular bail while submitting that in the CCTV footage regarding the said occurrence as preserved in the pen-drive Annexure R-2, the appellant and his co-accused are shown to have given severe beatings to respondent No.2-injured and it being so, the present appeal be dismissed.

8. However, keeping in view the above-discussed undisputed facts and circumstances as well as the fact that the trial of the case is likely to take sufficient time to conclude and without commenting or expressing any opinion on the merits of the case, the appeal in hand is hereby allowed and the impugned order dated 20.07.2022 is set-aside and resultantly, the appellant-accused named Vikas is ordered to be released on regular bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

18th, October 2022
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(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>