

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S No.923 of 2023

Date of decision: 11th April, 2023

Dharmender

... Appellant

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Abhishek Goyal, Advocate for the appellant.

Mr. Chetan Sharma, Assistant Advocate General, Haryana
for the respondent No.1/State.

MANJARI NEHRU KAUL, J. (ORAL)

The appellant is impugning the order dated 06.03.2023 passed by the learned Additional Sessions Judge, Palwal, vide which his application for concession of regular bail under Section 439 Cr.P.C. in case bearing FIR No.516 dated 27.12.2022 under Sections 148, 149, 323, 506 IPC (Section 379-B IPC deleted) and Section 33/89 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Gadpuri, District Palwal, was dismissed.

While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure A-1, learned counsel for the appellant submits that the alleged casteist utterances were made within the four walls of the shop of the complainant and still further, all the injuries allegedly attributed to the appellant were simple

in nature. Learned counsel further submits that investigation is complete and challan stands presented, however, there is no likelihood of the trial concluding in the near future as charges have not yet been framed. Learned counsel submits that in the circumstances, further incarceration of the appellant would serve no useful purpose.

Learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has not been able to dispute that the injuries attributed to the appellant were simple in nature and the place of occurrence is inside the shop of the complainant.

I have heard learned counsel for the parties and perused the relevant material on record.

The appellant has been in custody since 28.12.2022 and the trial shall take considerable time to conclude as 14 prosecution witnesses have been cited and charges have not yet been framed. In the facts and circumstances, as enumerated hereinabove, this Court deems it fit to allow the instant appeal. The appeal as such is allowed and the appellant is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

April 11, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No