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

CRA-S-1765-2023 (O&M)

DATE OF DECISION: 06.07.2023

Sonu**...Appellant****Versus****State of Haryana and another****...Respondents****CORAM: HON'BLE MR.JUSTICE ARUN MONGA**

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

Mr. Karan Garg, AAG, Haryana.

ARUN MONGA, J. (ORAL)

CRM-26756-2023

For the reasons stated in application, same is allowed and documents contained at Annexures A-1 and A-2 are taken on record, subject to all just exceptions.

MAIN CASE

At the outset, learned State counsel points out that during investigation, Section 325 IPC has been added later on in the present FIR by the investigating agency. At the oral request of learned counsel for appellant, Section 325 IPC is added in the prayer clause of instant appeal. Registry to carry out necessary corrections in the grounds of appeal.

2. Appellant seeks bail vide criminal appeal herein filed under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as "SC & ST Act") against order dated 13.06.2023 passed by learned Sessions Judge, Panipat, dismissing his bail application. He has been arrested in course of

the investigation in a case bearing FIR No.279 dated 20.05.2023, registered under Sections 148, 149, 323, 324, 325 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") and Sections 3(1)(s), 3(2)(V)(a) of the SC & ST Act, at Police Station, Sector-29, Panipat.

3. Per FIR, Vinit the victim/complainant, claiming that he belongs to the Valmiki caste, stated that three months prior, his friend Ashish had a dispute with the accused, Sonu, which led to Sonu holding a grudge against Vinit. On May 14, 2023, at around 9:30 p.m., Vinit and his friend Aman Deshwal were returning home. When they reached near Vinit's house, Sonu (the appellant), along with Dippi Panchal, Neeraj Pradhan, Subba, and Shanthu, arrived on two separate motorcycles. Sonu pointed a pistol at Vinit's back and instructed him to get on his motorcycle. Sonu also twisted a thick ring bracelet. Out of fear, Vinit complied and boarded the motorcycle. They took him to a secluded street, where Sonu slapped him multiple times. Then, they took him to a vacant plot adjacent to the street. At the plot, all the accused armed themselves with blunt weapons like *gandasi* and *dandas*. Sonu verbally abused Vinit, using derogatory language related to his caste, and referred to him as "*Chuda*." The group proceeded to physically assault Vinit. Sonu's mother also arrived at the scene and began recording a video. Despite several people gathering there, nobody intervened to help Vinit. When Vinit attempted to escape, Dippi struck him with a *danda*, causing him to fall to the ground. Sonu then placed his foot on Vinit's chest and prepared to strike him with a *gandasi*, but Vinit pushed him away and managed to flee. Vinit lost consciousness in front of his house and was subsequently taken to the General Hospital in Panipat. A formal FIR was registered.

Investigation was carried out. Sonu (present appellant) was arrested on

29.05.2023. Offence under Section 356 IPC was deleted and under Section 324 IPC was added. Later, offence under Section 3 (1)(s) of SC & ST Act was also deleted.

4. Learned counsel for appellant submits that appellant has been falsely implicated in the case. He was arrested on 29.05.2023 and is in custody ever since. Alleged recovery from appellant is a planted one. Minor quarrel has been given the shape of registration of instant FIR. Neither any such incident ever took place nor any caste hatred words were uttered by appellant.

4.1. Learned counsel for appellant strenuously argues that there is unexplained delay of 06 days in lodging the FIR. Recovery has already been effected from appellant.

5. Counsel would urge accused petitioner and complainant live in the same neighborhood and have known each other from their childhood. It is their old friendship that has now gone disarray. To settle personal score, personal enmity is now being attempted to be given caste/communal color, which offences attract strict rigors of law.

6. On the other hand, learned State counsel opposes the grant of bail to appellant on the ground that allegations against appellant are serious in nature. He is a habitual offender. He is involved in three other cases bearing FIR No.647 dated 26.10.2022 registered under Sections 147/149, 323, 506 IPC at Police Station Industrial, Sector-29, Panipat; FIR No. 182 dated 10.03.2017 registered under Sections 323, 506/34 IPC at Police Station Chandni Bagh, Panipat and FIR No.524 dated 02.09.2017 registered under Sections 148/149, 323, 379, 506 IPC.

7. In rebuttal, learned counsel for appellant informs that appellant is already on bail in two of the cases.

8. I have heard the rival contentions of learned counsel for parties and have perused the case file carefully.

9. Appellant is in custody since 29.05.2023. Presenting of Challan and commencement of trial may take a long time, while appellant continues to be in jail. I am of the view that no useful purpose would be served to keep appellant in further preventive custody. Considering the overall scenario and without commenting on the merits of case, instant appeal is allowed.

10. Accordingly, appellant is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Special Judge, where his case is to be tried and in case he/she is not available, before learned Duty Judge, as the case may be.

11. In case, appellant is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

12. It is made clear that any observations made and/or submissions noted hereinabove shall not have any effect on merits the case as the same are for the limited purpose of bail hearing alone and learned trial Court shall proceed without being influenced with this order.

13. Pending application(s), if any, shall also stand disposed of.

JULY 06, 2023
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No