

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

**Neutral Citation No. 2023:PHHC:127105
CRA-S No.2743-2023
Date of Decision: September 29, 2023**

Sunil Duttt

.... Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Deepender Singh, Advocate for the appellant.

DEEPAK GUPTA, J.(Oral)

Regular bail to the petitioner has been declined by the Court of learned Additional Sessions Judge, Faridabad, vide order dated 29.07.2023 in a case arising out of FIR No.254, dated 18.05.2023, under Sections 323/506 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 {for short 'the SC & ST Act}. Since Section 3 of the SC & ST Act is involved, therefore, present appeal has been filed under Section 14-A(2) of the SC & ST Act.

2. The allegations against the appellant are that he and others used caste related remarks to the complainant and even gave threats to him.

3. Learned counsel for the appellant has drawn attention towards the fact that there is no specific allegation as to when the alleged caste related remarks were uttered; where the same were uttered and what were the exact words. Learned counsel contends that in these circumstances, Section 3 of the SC & ST Act is not made out. Learned counsel further submits that after investigation challan under Section 173 Cr.P.C. has already been filed and the trial of the case may take time to conclude. The appellant is in custody since 21.07.2023.

4. Notice of motion.
5. Mr. Vipul Sherwal, AAG, Haryana accepts notice on behalf of respondent-State.
6. Learned State counsel has not been able to refute the averments as raised by counsel for the appellant, particularly, the exact words used by the appellant related to the caste of the complainant or as to whether the same were made in public view.
7. Having regard to the aforesaid facts and circumstances, but without commenting anything on the merits of the case, the appellant is admitted to bail. He is ordered to be released on bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned.

Allowed.

September 29, 2023

sarita

(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No