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

CRA-S-2972-2023

Date of Decision:- 23.11.2023

JAIVEER

....Appellant.

Vs.

STATE OF HARYANA

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Sandeep Gahlawat, Advocate for the appellant.
Mr. N.S. Behgal, AAG, Haryana.

AMARJOT BHATTI, J. (Oral)

1. The appellant – Jaiveer has filed the instant appeal against the order dated 05.08.2023 whereby the 5th application for grant of regular bail filed by the appellant in FIR No.71, dated 19.03.2022, under Sections 323, 354-C, 307 and 506 of IPC and Section 3 (1) (W) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Badhra, District Charkhi Dadri, has been declined.

2. As per the facts of the case Ram Niwas complainant filed written application to SHO Police Station Bhadra that he is labourer by profession. On 18.03.2022 his younger daughter Shilika told him that one person was roaming in a Bolero car. He along with his daughter went to the outskirts of village where his wife Krishna, mother Ghilori and daughter Nazuk were preparing co dung cakes. He saw Jaiveer roaming in Bolero vehicle No.HR-88-5516 who belongs to Jaat community around his wife and daughter. He made an enquiry from his wife who disclosed that Jaiveer

was misbehaving and passing comments by naming caste. He had stopped Jaiveer number of times but he did not mend his ways. On that day, he was under the influence of liquor. He hit his Bolero vehicle against the complainant and his wife with an intention to kill them. Both of them fell down and he ran over his vehicle over them. 10-15 persons gathered there. They had received injuries. They were shifted to the Hospital for treatment. With these allegations present FIR has been registered.

3. Learned counsel for the appellant argued that first bail application filed in CRM-M-26789-2022 was declined as some of the material witnesses were yet to be examined. The present appellant is in custody since 20.03.2022. All the material witnesses have been examined i.e. Ghilori (PW1), Sandeep (PW2), Ram Niwas (PW3), Najuk (PW4), Shilika (PW5) and Krishna (PW6) whose statements are Annexure P-11 to P-16. The trial of this case may take long time. He will abide by the terms of the bail order. Therefore, the impugned order dated 05.08.2023 passed by the Court of Additional Sessions Judge, Charkhi Dadri may be set aside and the present appellant/accused may be released on bail.

4. The bail of present appellant is opposed by learned counsel representing the State. Detailed status report is also filed. It is argued that there are specific serious allegations against the present appellant. The challan was presented and the case is fixed for prosecution evidence. Out of 22 PWs, 4 witnesses have been examined including the complainant and his wife. The vehicle involved in the occurrence was also taken into police possession. One of the victim Krishna had received serious injuries. Copy of her MLR is also placed on record. Therefore, considering the gravity of offence, the appellant is not entitled to be released on bail.

I have considered the arguments and have gone through the record. 5th regular bail application filed by the present appellant seeking bail under Sections 323, 354-C, 307 and 506 of IPC and Section 3 (1) (W) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been declined by the trial Court vide order dated 05.08.2023. It is matter of record that earlier regular bail application was filed by the present appellant which was declined on merits vide order dated 07.12.2022, which is Annexure P-16. At that relevant time, the statements of some of the material witnesses were yet to be recorded. The present appellant is behind the bars since 20.03.2022. In the status report, it is claimed that 4 PWs have been examined. However, learned counsel for the present appellant/accused has placed on record the testimonies of as many as 6 prosecution witnesses recorded before the trial Court as Annexure P-11 to P-16 which includes the main injured Krishna and Ram Niwas. Therefore, the present appellant, if released on bail, cannot influence or threaten the witnesses who are relevant to the prosecution. The other witnesses are yet to be examined. Conclusion of trial may take long time. Therefore, without expressing my mind on the merits of the case, the regular bail application filed by the present appellant is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge.

5. The appeal stands accepted.

23.11.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No