

CRA-S-3183-2023 (O&M)

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110 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-3183-2023 (O&M)
Date of decision : 19.12.2023

Ajay Chauhan and another

...Appellants

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present : Mr. Sunil Panwar, Advocate,
for the appellants.

Mr. Kiran Pal Singh, AAG, Haryana,
for respondent No.1.

Mr. Sandeep Saini, Advocate,
for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present appeal has been filed under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities), Act, 1989 (for short, 'the SC&ST Act'), for quashing of order dated 18.09.2023, passed by learned Additional Sessions Judge/Special Court under the SC&ST Act, Yamuna Nagar, whereby, application under Section 439 of the Code of Criminal Procedure, 1973 (for short, '*the Cr.P.C.*') for grant of bail pending trial to the appellants in FIR No.103 dated 23.02.2023, under Sections 323, 341, 379-A and 506 of the Indian Penal Code, 1860, (for short, '*the IPC*') and Section 3 of the SC&ST Act, registered at Police Station Jagadhri City, District Yamuna Nagar, was dismissed.

2. As per the prosecution story, appellants along with their accomplices gave beatings to the complainant; hurled abuses against his caste and also threatened to kill him.

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4. Learned counsel for appellants submits that matter has been amicably settled with complainant/respondent No.2.

5. Learned counsel for complainant/respondent No.2 duly acknowledged the factum of compromise and he has also produced a copy of compromise deed dated 18.12.2023, which is taken on record as Mark 'X'. Registry to tag the same at appropriate place.

6. In view of the consensus arrived at between both sides, learned State counsel is also not able to oppose the prayer of appellants.

7. As a result thereof, there is no other option except to set aside the impugned order dated 18.09.2023 passed by learned Court below.

8. Consequently, appeal is allowed; impugned order dated 18.09.2023 is set aside; and appellants are ordered to be released on bail pending trial in the present FIR on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

9. The above observations, including factum of compromise be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

10. Disposed off accordingly.

11. Pending application(s), if any, shall also stand disposed off.

19.12.2023
adhikari

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :
Whether Reportable :

Yes	No
Yes	No