

237-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-3192-2023

Date of Decision: 07.12.2023

Sachin Kumar @ Raju

...Appellant

vs.

State of Haryana and another

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Pankaj Bali, Advocate
for the appellant.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

Mr. Vivek Dahiya, Advocate
for Mr. Amit Khatkar, Advocate
for respondent No.2.

N.S.Shekhawat J. (Oral)

1. While issuing notice of motion on 09.11.2023, this Court had noticed the following contentions:-

“The appellant has filed the present appeal with a prayer to set aside the order dated 27.10.2023 passed by the Court of Additional Sessions Judge, Karnal, whereby, the application filed by the appellant under Section 439 Cr.P.C. was ordered to be dismissed in a case arising out of FIR No. 754 dated 28.07.2023 under Sections 148, 149, 323, 452 and 506 IPC (offence under Section 120-B IPC added later on) and Sections 3(2)(va), 3(1)(r), 3(1)(s) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 (hereinafter to be referred as 'the SC and ST Act').

Learned counsel for the appellant submits that the occurrence had allegedly taken place in the present case at

11.30/11.45 p.m. on 26.07.2023 in the house of the complainant and was not witnessed by the general public. Consequently, the offence under Sections 3(2)(va), 3(1)(r), 3(1)(s) of the 'the SC and ST Act' have been wrongly invoked by the police and have been added to make the offence graver. Learned counsel further contends that the appellant has been falsely involved in the present case due to political rivalry between the complainant side and the accused. Learned counsel further contends that the co-accused Amit Kumar and Ashwani Kumar had been granted the concession of interim anticipatory bail by this Court. The petitioner is in custody in the present case since 05.09.2023.”

2. Learned counsel for the appellant submits that the appellant was arrested in the present case on 05.09.2023 and was ordered to be released on interim bail by this Court on 09.11.2023. Thus, the appellant remained in custody more than 02 months. Even similarly placed co-accused, namely, Ashwani Kumar and Amit Kumar were granted the concession of anticipatory bail by this Court.

3. On the other hand, learned State counsel has opposed the prayer made by learned counsel for the appellant on the ground that there are serious allegations against him.

4. However, learned counsel for respondent No.2-complainant submits that the appellant had caused injuries to him i.e. Sarpanch of the Village without any reason. He further submits that the present petition was not maintainable.

5. I have heard learned counsel for the parties and perused the record.

6. Without commenting on the merits of the case, the present petition is allowed and the interim order dated 09.11.2023, passed by this Court is made

absolute. It is made clear that the appellant shall continue to appear before the learned trial Court on each and every date of hearing and shall not absent before the trial Court, without prior permission of the Court.

07.12.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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