

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(261)

CRA-S-3294-2023 (O&M)
Date of decision:- 11.12.2023

Dev @ Kundu

... Appellant

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rajesh Gupta, Advocate
for the appellant.

Mr. Ramender Singh Chauhan, AAG, Haryana
for State-respondent No.1.

None for respondent No.2.

SUVIR SEHGAL, J. (ORAL)

CRM-50872-2023

1. Counsel for the applicant-appellant does not press the application.
2. Application is dismissed as not pressed.

Main case

1. By way of present appeal filed under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "SC&ST Act"), appellant has approached this Court for quashing of order dated 27.10.2023 and for grant of regular bail.
2. FIR No. 210 dated 23.06.2023 has been lodged for offences under Sections 323, 34, 379-B, 435 and 506, IPC and Section 3 of the SC&ST Act at Police Station Bahalgarh, District Sonipat, Annexure A-1, by Ajay on the

allegation that at 09:30 P.M. on 22.06.2023, when he was out for some personal work, Rohit, Mohit and Dev @ Kundu (present appellant) abused him and quarreled with him. They allegedly uttered objectionable words and complainant sped away on his bike. They caught up with him and one of the assailants told Dev to fire at the complainant, who fled from there. They snatched Rs.2,000/- from him and set his bike on fire.

3. By referring to the Scheduled Caste Certificate, Annexure A-2, issued by Government of Haryana, counsel for the appellant has contended that as the appellant belongs to a scheduled caste, he cannot be accused of an offence under the SC&ST Act. Reliance has been placed by him upon Section 3 of the SC&ST Act. He submits that during investigation, offence under Section 379-B, IPC has been deleted and the remaining offences, allegedly committed by him, are bailable.

4. Upon instructions received from ASI, Ashok, State counsel has confirmed that the appellant has not been charge-sheeted for offence of snatching. He has specific instructions to state that upon conclusion of investigation, challan has been presented.

5. I have heard counsel for the parties and considered their respective submissions.

6. By order dated 06.12.2023, on an application moved by the appellant, complainant was impleaded as respondent No.2 and notice was issued to him. As per office report, he has been served, but there is no representation on his behalf. Noticing the nature of allegations levelled against the appellant, offences allegedly committed by him, stage of proceedings and length of custody of more than three months, this Court unhesitatingly accepts the prayer made in the appeal.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, appeal is allowed. Impugned order dated 27.10.2023 is set aside and the appellant is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.
8. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)

JUDGE

11.12.2023

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No