

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

111+237

**CRA S-3379-2023 (O&M)
Date of Decision: 01.12.2023**

Kuldeep

...Appellant

Vs.

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Ajit Sihag, Advocate for the appellant.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

Mr. Shalender Mohan, Advocate, for the complainant.

N.S.SHEKHAWAT, J. (Oral)

CRM 49834 of 2023

1. Allowed as prayed for.
2. Ms. Mukesh wife of Suresh, resident of village Badesra, Tehsil Bawani Khera, District Bhiwani, Haryana is ordered to be impleaded as respondent No. 2.
3. Registry is directed to do the needful.

CRA S-3379-2023

1. The appellant has filed the present appeal under Section 14-A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter to be referred as '**the Act**') against the order dated 02.11.2023 passed by the Court of

Additional Sessions Judge, Bhiwani, whereby, the bail application under Section 439 Cr.P.C. filed by the appellant was ordered to be dismissed in case FIR No. 139 dated 17.04.2023 under Sections 323, 34, 506 of IPC (Sections 325, 307 IPC and Section 3(2)(VA) of the Act added later on) registered at Police Station Bawani Khera, District Bhiwani.

2. Learned counsel for the appellant contends that in the present case, it has been falsely alleged that the appellant alongwith other co-accused had beaten up the husband of the complainant and it was falsely alleged that the appellant was armed with a *lathi* and had caused injuries. He further contends that in the present case, the occurrence had taken place on 14.04.2023 and the FIR was registered on 17.04.2023 and even till the conclusion of the investigation, the complainant could not offer any explanation for the said delay. Further, the appellant is in custody since 17.05.2023 and there is no other criminal case against him. Learned counsel further contends that the offence under Section 307 IPC has been wrongly added, just to made the offence more serious and grave.

4. On the other hand, learned State counsel has opposed the prayer made by the appellant on the ground of seriousness of the allegations.

5. Learned counsel appearing on behalf of respondent No.2/complainant has also vehemently opposed the prayer made by

the learned counsel for the appellant and submitted that the injured was still not recovered completely.

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

7. It is not in dispute that another co-accused Anand has already been granted the concession of anticipatory bail by this Court vide order of the even date. Apart from that, the appellant is in custody for the last 06 months and the challan has already been presented against him in the competent Court. Even, the appellant is not in a position to influence the witnesses of the prosecution and no purpose will be served by keeping him behind the bars.

8. In view of the above, without commenting any further on the merits, the present appeal is allowed and the appellant is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

01.12.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

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