

118 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRA-S-140-2024 (O&M)
Date of Decision: 15.04.2024

Kapil Appellant

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. D.S. Virk, Advocate,
for the appellant.

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

None for respondent No.2 despite service.

MAHABIR SINGH SINDHU. J.

Present appeal has been preferred under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989 (for short “the Act”) for seeking bail pending trial in FIR No.950 dated 27.08.2023 registered under Sections 307, 323, 325, 341, 506, 120-B and 148 read with Section 149 IPC and Section 3 of the Act, at Police Station, Sadar, Distict Hisar and for setting aside order dated 21.12.2023 passed by learned Additional Sessions Judge/Special Court, Hisar declining bail to the appellant.

2. Allegations are that on 26.08.2023, appellant along with co-accused Sunil, Ravi, Mahender, Ajit @ Hathi and Bhim abused informant in the name of his caste and threatened to kill him. Also alleged that accused gave him beatings with iron rods, *lathi* and *dandas*. In order to save himself, informant fled away from the spot. The accused chased him and caused injuries on his feet, finger of right hand, elbow, shoulder and back. The informant was saved by the gathering.

3. Learned counsel contends that appellant has been falsely implicated in the present case and moreover, in view of the alleged injuries as reflected in the medico-legal report (P-2), no offence is made out under Section 307 IPC.
4. *Per contra*, learned State counsel while opposing the prayer submits that appellant is facing various other criminal cases, including three cases Section 307 IPC and one case under Section 302 IPC. He has produced custody certificate dated 08.04.2024 and the same is taken on record.
5. Heard learned counsel for the parties and perused the paper-book.
6. A perusal of aforesaid custody certificate reveals that apart from the present case, appellant is involved in 08 other cases, which are detailed as under:-

Sr. No.	FIR No.	Dated	Under Sections	Police Station	Status of trial
1.	748	26.12.2023	42-A Prisons Act	Civil Lines, Hisar	Pending
2.	614	06.12.2019	323, 341, 427, 506, 325/34 IPC	Sadar Hisar	Pending
3.	111	06.03.2020	307, 285, 120-B/34 IPC	Sadar Hisar	Pending
4.	966	31.08.2023	147/149/506 IPC, 3 of SC/ST Act	Sadar Hisar	Pending
5.	40	09.02.2020	307, 148, 147, 302, 120-B IPC	Civil Lines, Hisar	Pending
6.	835	2015	302, 379, 411, 216, 148/149 IPC	Sadar Hisar	Pending
7.	150	2020	42(A) Prisons	Civil	Pending

			Act	Lines Hisar	
8.	538	19.07.2023	147, 148, 149,307, 323, 325, 341, 427, 506, 120-B IPC	Azad Nagar, Hisar	Pending

7. In view of the above, it is discernible that appellant is having chequered criminal history. Thus, in case the appellant is released on bail, he may not only influence the prosecution witnesses; rather hamper the trial.
8. In view of the above, there is no option, except to dismiss the appeal at this stage.
9. Ordered accordingly.
10. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
11. Pending criminal misc. application(s), if any, shall also stand disposed off.

15.04.2024
SN/v

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No