

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

**Neutral Citation No. 2024:PHHC:017059
CRA-S-441-2024
Date of Decision: February 07, 2024**

Sumit Kumar

... Appellant

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. S.K. Garg Narwana, Sr. Advocate with
Mr. Vazir Singh Mor and Ms. Harman Preet Kaur, Advocates
for the appellant.

DEEPAK GUPTA, J.(Oral)

Present appeal under Section 14-A of the ‘Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989’ (hereinafter referred as ‘the SC & ST Act’) has been filed against the order dated 09.01.2024 passed by learned Addl. Sessions Judge, Special Court for the SC & ST Act, Kurukshetra, whereby regular bail of appellant Sumit Kumar and one more co-accused Sagar, has been declined in a case arising out of FIR No.192 dated 19.08.2022, under Sections 148, 149, 323, 324, 325, 326, 506, 201, 120-B, 302 IPC and Section 3(1)(r) and 3(1)(s) of SC & ST Act, registered at Police Station Jhansa.

2. At the outset, learned Sr. counsel for the appellant contends that similarly placed co-accused Pardeep and another have already been allowed bail by this Court, vide order dated 05.01.2024 passed in CRA-S-2884-2023, copy of which has been placed on record.

3. Notice of motion.

4. Mr. Sumit Jain, Addl. A.G., Haryana accepts notice on behalf of respondent-State.

5. Learned State counsel assisted by ASI Pawan could not refute the aforesaid contention except to the extent that appellant was named in the FIR.

6. Heard.

7. While disposing the appeal qua co-accused Pardeep and another, vide order dated 05.01.2024, this Court had observed as under:-

“7. Sukhdeep, the complainant of the case and the brother of the deceased, is the most material witness of the prosecution, who is alleged to have witnessed the occurrence. However, during his testimony as PW1 (copy Annexure P-2), though he deposed about receiving of the injuries by deceased Rishi Pal, but stated that Rishi Pal suffered injuries due to fall from the tractor and clearly stated that accused, present in the Court through video conferencing, had not caused any injury to his brother and no role is attributed to them in the death of his brother. Similarly, PWs Deepak @ Kali, Parveen Pal Singh, Sandeep Singh and Gagandeep, have not supported the prosecution case as is evident from their testimonies, copies of which have been placed on record as Annexure P-3 to P-6.

8. Learned State counsel has not been able to point out any other eye witness, on whom the prosecution wants to rely.

9. No doubt, 13 out of 24 witnesses cited by the prosecution have already been examined and trial may come to an end early, but having regard to the fact that the material witnesses have not supported the prosecution case, it will not be proper to keep the appellants detained, once it has come in the testimony of the material witnesses that appellants are not the assailants.”

8. Having regard to the aforesaid facts and circumstances, but without commenting anything on the merits of the case, present appeal is hereby accepted and appellant is ordered to released on regular bail on his

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furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

February 07, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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