

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRA-S-397-2024 (O&M)
Date of Decision:-14.02.2024

Naveen ... Appellant

Versus

State of Haryana and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanjeev Majra, Advocate for the appellant.

Mr. Ramender Singh Chauhan, AAG, Haryana,
assisted by SI Ishwar Singh.

GURVINDER SINGH GILL, J.(Oral)

1. This appeal is directed against order dated 23.1.2024 passed by learned Additional Sessions Judge (Special Court) Kaithal, vide which an application seeking grant of anticipatory bail in respect of FIR No. 227 dated 10.10.2023, Police Station Rajound, District Kaithal, under Sections 148, 149, 323, 506, 120-B IPC, Section 3(1)(r), 3(1)(s), 3(2)(VA) of Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989 and Section 25 of Arms Act, had been declined.
2. Learned counsel submits that apart from offence under SC/ST Act, all other offences are bailable. It has been submitted that a perusal of the FIR would indicate that it is only co-accused namely Lakhan who had uttered objectional words, attracting offence punishable under Section 3(1)(r), 3(1)(s), 3(2)(VA) of SC/ST Act and that the only role attributed to the appellant is inflicting an injury with a 'stick' to the complainant on his legs and back

which have been classified as simple injuries. Learned counsel submits that several other co-accused have already been granted regular bail.

3. Opposing the appeal, learned State counsel submits that since, one of the offence pertains to SC/ST Act, wherein grant of anticipatory bail is absolutely barred, the trial Court has not committed any error in declining the application on the grounds of maintainability.
4. This Court has considered the rival submissions.
5. It is not in dispute that other than offence punishable under SC/ST Act, all the offences alleged are bailable offences and the objectionable utterances were made by co-accused Lakhan (non-applicant). Under these circumstances, it will be debatable as to whether the appellant apart from sharing any intention to cause injury had also shared any intention to commit offence under SC/ST Act inasmuch as he himself has not uttered any objectionable word.
6. Having regard to the facts and circumstances of the case, the instant appeal is disposed of with liberty to the appellant to surrender before the trial Court within one week from today. In case, the appellant surrenders before the trial Court in the forenoon of the day, and moves an application for grant of regular bail, the trial Court shall endeavour to dispose of the same expeditiously, preferably by evening of the same day of filing such application.

14.02.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No