

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S No.514 of 2024

Date of decision: 7th February, 2024

Kunal

... Appellant

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Balraj Gujjar, Advocate for the appellant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The appellant is seeking quashing of order dated 29.01.2024 passed by learned Additional Sessions Judge, Palwal vide which his application for grant of the concession of anticipatory bail in case FIR No.302 dated 17.10.2023 under Sections 323, 34, 341, 506 of the IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Sadar Palwa, District Palwal was dismissed.

2. Learned counsel for the appellant inter alia contends that he has been falsely implicated in the case in hand along with other co-accused for allegedly inflicting simple injuries on the complainant and indulging in casteist utterances against him. He submits that his false implication in the case in hand finds credence from the fact that there was an unexplained delay of 2 days in lodging of the FIR in question. While drawing the attention of this Court to FIR, which has been annexed as Annexure A-1, learned counsel has further submitted that a bare perusal of the same clearly reveals that no offence under Section 3

of the SCST Act is made out as only vague allegations qua the alleged casteist utterances have been attributed to the appellant, coupled with the fact that the occurrence in question did not take place in public view.

3. I have heard learned counsel for the appellant and perused the relevant material on record.

4. Prima facie, there are serious and specific allegations against the appellant who along with the other co-accused indulged in casteist utterances against the complainant within public view and also inflicted injuries upon him. As per the allegations in the FIR, on a hue and cry raised by the complainant, co-villagers were attracted to the spot and in their presence as well, the accused, while fleeing away, had uttered casteist remarks against the complainant. This Court, therefore, does not deem it fit to extend the extraordinary concession of anticipatory bail to the appellant.

5. Dismissed.

6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 7, 2024
rps

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