

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-1163-2024
DECIDED ON: 21.03.2024

CHANDI RAM
.....PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER
.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Kartik Khicher, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. The present appeal has been preferred against the impugned order dated 07.03.2024 passed by Additional Sessions Judge, Special Court, Hisar under Section 14-A(2) of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 in a complaint under Sections 323, 342, 506 of IPC and Section 3(iii) & 6 of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Learned counsel for the appellant submits that during investigation on complaint dated 11.05.2016, Kuldeep Singh and the appellant were called to the concerned police station and their statements were recorded, in which Kuldeep Singh has specifically stated that though he has made allegations against the appellant for using derogatory remarks, but the same were stated by misunderstanding and the dispute pertains to some remaining payment only. It is further submitted that another complaint dated 19.05.2015 moved by the complainant to the Superintendent of Police, Hisar and during the investigation, the allegations qua the appellant were found to be false, wherein statements of eye witnesses namely Hawa

Singh (Sarpanch) Munish Kumar, the present appellant and HC Vinod Kumar have been recorded, which are annexed with the present petition as Annexures P-8 to P-11 respectively.

3. Notice of motion.
4. On the asking of Court, Mr. Baljinder Singh Virk, Sr. DAG Haryana accepts notice on behalf of respondent-State, who prays for dismissal of the present petition stating that the appellant called the complainant as well as his grandfather Kuldeep to a college and gave them caste abuses and at this stage, it cannot be said that offence under Section SC/ST Act is prima facie not made out.
5. Be that as it may, considering the nature of allegations, it is abundantly clear that neither any recovery is to be effected from the appellant nor custodial interrogation of the appellant is required at this stage added with the fact that allegations against the appellant were found to be false as is evident from the reports dated 15.05.2015 and 02.06.2015 (Annexures P-5 & P-12 respectively), the present appeal deserves to be allowed. the appellant is ordered to be released on bail subject to his surrender before the trial Court within a period of one week from today.
6. In case, the appellant moves an application for bail, the same shall be considered and decided in accordance with law by the Court below on the same day.
7. In view of the aforesaid terms, the present appeal stands disposed off.

21.03.2024

Meenu

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No