



**CRA-S-1240-2024**

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

**CRA-S-1240-2024**

**Date of decision: 28<sup>th</sup> August, 2024**

Vinod Kumar @ Dabbi

...Appellant

Versus

State of Haryana and another

...Respondents

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Mayur Karkra, Advocate for the appellant.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Karan Singh, Advocate for respondent No.2-complainant.

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**MANISHA BATRA, J (ORAL):-**

The instant appeal has been filed under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC & ST Act') against the order dated 04.03.2024 passed by the Court of learned Additional Sessions Judge, Kaithal, whereby an application for grant of regular bail as filed in Sessions Case bearing CIS No. SC/155-2022 titled as 'State of Haryana Vs. Vinod Kumar @ Dabbi' arising out of FIR No. 172 dated 01.07.2022 registered under Sections 302, 323, 506 and 34 of IPC and Sections 3(2)(v) and 3(2) (va) of SC & ST Act at Police Station Rajaund, District Kaithal, had been dismissed.

2. Brief facts of the case relevant for the purpose of disposal of



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this appeal are that on 30.06.2022, on receipt of telephonic information regarding admission of one Sonu Ram in Government Hospital, Kaithal due to injuries sustained in some altercation, Head Constable- Surninder Kumar reached there and obtained opinion of doctor regarding condition of the injured who was opined to be fit for making statement. On the same evening, information was received about his death. The police party rushed to the mortuary room of the hospital wherein the dead body of the victim had been lying and statement of complainant -Manmohan brother of the victim had been recorded to the effect that about 2- 2½ years back, a dispute had taken place between the victim- Sonu and the appellant and co-accused Gurpreet and Joginder on some issue but the matter had been compromised in the village and hence, no complaint had been lodged with the police. The appellant and co-accused were, however, nursing grudge against the victim ever since then. On 29.06.2022 at about 8:30/9:00 PM, the complainant was going towards his fields whereas his brother Sonu was going towards his house after doing his work and when he reached near the liquor vend of his village, the complainant noticed that the appellant and co-accused who were already present near the liquor vend, at once opened an attack upon Sonu and started extending beatings to him. Within the sight of the complainant, the appellant-Vinod struck blows with a *danda* on the head and face of the victim- Sonu, due to which he fell on the ground and then all three of them gave kicks and fist blows to Sonu. The complainant rushed for rescue of his brother and then all of them fled from the spot while extending threat to kill the complainant on finding opportunity.



3. As per the further allegations, the injured was rushed to Rajaund Hospital for treatment but due to absence of any Doctor, he was taken to Government Hospital, Kaithal for treatment and after providing him first aid, he was brought back to his house. The complainant further alleged that as the condition of his brother deteriorated on 30.06.2022, therefore, he had been again taken to Government Hospital, Kaithal but he died on the same day. After registration of FIR, investigation proceedings were initiated. Inquest proceedings and post mortem examination of the victim were also conducted. Offences under Section 3(2)(v) and 3(2) (va) of SC & ST Act was added. The appellant was arrested on 05.07.2022. On interrogation, he suffered disclosure statement admitting his involvement in the subject crime and demarcated the place of occurrence. He also got recovered a Bamboo stick used in the crime. The co-accused Joginder Singh and Gurpreet were also arrested subsequently. After completion of necessary investigation and usual formalities, challan was presented before the learned trial Court. Presently, the appellant along with the co-accused is facing trial for aforementioned offences. He had moved an application for grant of regular bail before the learned trial Court which had been dismissed vide order dated 04.03.2024.

4. The present appeal has been filed on the grounds and it has been argued by learned counsel for the appellant that he has been falsely implicated in this case. There is delay of more than twenty-six hours in lodging of the FIR. He is in custody since 05.07.2022. The complainant has since been examined. The trial is likely to take time. No useful purpose



would be served by keeping him in custody. The ingredients for commission of offences under the SC & ST Act have not been attracted.

5. It is further argued that in the medico legal report of the victim as prepared on 29.06.2022 only one injury on his left cheek had been noticed and that apart, he made complaint of pain in abdomen. The injuries mentioned in the post-mortem examination report were not found/diagnosed on 29.06.2022. The medical reports were contradictory thereby creating doubt as to cause of death of the victim. The co-accused Gurpreet and Joginder have since been extended benefit of bail. On the ground of parity, the appellant too deserves to be extended the same benefit. Learned trial Court wrongly dismissed his bail application without taking into consideration the above stated facts and circumstances. Therefore, it is urged that the impugned order be set aside, the appeal be accepted and the appellant be extended benefit of regular bail.

6. *Per contra*, it is argued by learned State counsel assisted by learned counsel for respondent No.2-complainant that there are specific and serious allegations against the appellant. The appellant in furtherance of common intention with the co-accused had caused injuries to the victim who was a member of scheduled caste, by extending blows with Bamboo stick etc. The victim had died on 30.06.2022 due to impact of those injuries as revealed from the post-mortem report, though the injury on head was not apparent at the time of his medico legal examination and was diagnosed only at the time of conducting post-mortem examination of the victim. He was named in the FIR. In his sworn deposition recorded before the trial Court,



the complainant who was an eye-witness to the occurrence has duly supported the prosecution version. There is nothing on record to show that there would be any undue delay in conclusion of the trial. Therefore, it is urged that the appeal does not deserve to be allowed.

7. I have heard learned counsel for the appellant as well as learned State counsel at considerable length and have gone through the record carefully.

8. The appellant in furtherance of his common intention with co-accused is alleged to have opened an assault upon the victim Sonu on the night of 29.06.2022, thereby causing injuries to him. The victim had been medico legally examined on 29.06.2022 and he had been brought back to his house. He was taken again to the hospital on the next day when his condition had become precarious and had succumbed to his injuries when he was being taken to PGIMER, Chandigarh on being referred from General Hospital, Kaithal. As per the post-mortem examination report, on dissection of the dead body, a head injury was found which was opined to be the cause of death of the victim. No doubt, this injury has not been mentioned in the medico legal report dated 29.06.2022, but it cannot be assumed that the same had not been sustained by the victim as on 29.06.2022 when he had been assaulted by the appellant and the co-accused. It is for the trial Court to assess the evidence including medical evidence and to arrive at the conclusion as to whether, the injury diagnosed on the vital part of the dead body of the victim was proved to have been caused by the appellant and the co-accused and the same was the cause of death of the victim or not and this



question cannot be decided by this Court at this stage. There are specific allegations against the appellant. Annexures A-10 is copy of deposition of the complainant as recorded before the trial Court on 16.08.2023 and on cursory perusal of the same, it is revealed that he has supported the prosecution case and has attributed injuries on the head and mouth of the victim, to the appellant. The case of the co-accused who have been extended benefit of bail cannot be treated to be at parity with the case of the appellant. The allegations against him are grave in nature. Keeping in view the severity of these allegations, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the appeal does not deserve to be allowed. Hence, the same is dismissed.

9. Since the main appeal has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]  
JUDGE

28<sup>th</sup> August, 2024  
Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable         | : | Yes / No |