



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

CRA-S-1458-2024 (O&M)
Date of Decision:- 16.09.2024

Lal Chand Appellant

Versus

State of Haryana and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kapil Aggarwal, Advocate, for the appellant.

Mr. Neeraj Sheoran, DAG, Haryana.

Ms. Anjali, Advocate, for respondent No.2.

FIR NO.	DATE	POLICE STATION	OFFENCES
330	12.12.2023	Nangal Chaudhri, District Mahendergarh	3(2)(v) of the Schedules Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 323, 506 IPC, has been declined.

GURVINDER SINGH GILL, J. (Oral)

1. The instant appeal has been filed on behalf of the petitioner seeking grant of anticipatory bail in respect of aforementioned FIR.
2. At the time of issuance of interim bail the following order was passed on 10.04.2024:

“The appellant assails order dated 03.04.2024 passed by learned Additional Sessions Judge, Narnaul, vide which an application filed by him seeking grant of anticipatory bail in case FIR No.330, dated 12.12.2023, Police Station Nangal Chaudhri, District Mahendergarh, under Section 3(2)(v) of the Schedules



Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 323, 506 IPC, has been declined.

The FIR in question was lodged at the instance of Sher Singh wherein it is alleged that wife of his younger brother is a Sarpanch of the village and that on 12.12.2023 “Viksit Bharat Sankalp Yatra” program had been organized in Panchayat Ghar. It is alleged that the applicant-appellant Lal Chand misbehaved and hurled abuses at the complainant in the name of his caste and also threatened to kill him. It is further alleged that the accused hit the complainant with a cement tile on his head and also attempted to cause an injury with a knife but the complainant managed to ward-off the blow.

Learned counsel for the appellant submits that it is a case of cross-versions wherein the appellant had also sustained injuries. Learned counsel in this regard has drawn the attention of this Court to MLR of the appellant recorded on the same very day i.e. on 12.12.2023 which discloses that the appellant had sustained a lacerated wound on the left temporal region; tenderness on the right side of the chest and an abrasion on his right knee. It has been submitted that stitches had to be applied to the injury on the head. Learned counsel submits that although the petitioner had also submitted a complaint to the police but no FIR was lodged immediately and it was only after about 1 ½ months that the FIR came to be lodged and that apparently it is a case where exaggerations had been made in the FIR so as to ensure that the appellant does not get anticipatory bail.

Notice of motion for 16.09.2024.

At this stage, Mr. Manvinder Sidhu, Advocate has put in appearance on behalf of the complainant and has filed *Vakalatnama*, which is taken on record.

Meanwhile, in the event of arrest, the appellant be released on interim bail subject to his furnishing personal bonds and surety



bonds to the satisfaction of Arresting/Investigating Officer. However, the appellant shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer.”

3. Learned State counsel has submitted that the appellant has joined investigation and is not required for any custodial interrogation.
4. A perusal of the FIR would show that the complainant has broadly levelled two allegations/firstly that the appellant had misbehaved with him and had hurled abuses in the name of his caste and secondly that the appellant hit the complainant with a cement tile on his head and also attempted to cause an injury with knife, but the complainant managed to ward-off the blow. While examining the veracity of the aforesaid allegations, it will not be out of place to mention that it is a case where even the complainant sustained injuries in respect of which there is no reference in the FIR. The complainant had sustained as many as 5 injuries including an injury on his head. The injuries as recorded in medico legal report dated 12.12.2023 are reproduced herein under:-

- “i. Lacerated wound over right side of parietal region, fresh bleeding present
- ii. Abrasion over right hand palm region
- iii. Tenderness and swelling present over right hand thumb
- iv. Complaint of pain over left side of chest
- v. Complaint of pain over left side of back”



5. The factum of omission of any reference to the aforesaid injuries in the FIR reflects on the credibility of the version putforth by the complainant. As such, the allegations, levelled by the complainant regarding the appellant having hurled abuses in the name of his caste would also become suspect. Under these circumstances, when the appellant has already joined investigation and is not stated to be required for any custodial interrogation, the appeal merits acceptance and is hereby accepted. The interim directions issued by this Court vide order dated 10.04.2024 are hereby made absolute subject to the condition that the appellant shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

16.09.2024

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No