



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

238

CRA-S-1893-2024
Date of decision : 29.05.2024

Parveen Appellant

versus

State of Haryana and another Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Ms. Samridhi Sareen, Advocate
for the appellant.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Jagdeep S. Rana, Advocate
for the complainant.

PANKAJ JAIN, J. (Oral)

1. The appeal preferred against order dated 19.04.2024 passed by Additional Sessions Judge, Hisar whereby the bail plea of the appellant stands declined in view of the statutory bar as per the mandate of the 1989 Act.

2. As per the FIR, it was alleged as under:-

“Statement of Lali Devi wife of Hans raj resident of Sisai Kalirawan aged 40 years mobile no. 9728306961: Stated that I am a resident of the above address. I have three children, two boys and one girl. I am an illiterate woman and belong to the Scheduled Caste, Valmiki caste. My husband Hansraj, son of Chandiram, who is about 50 years old, works as a laborer in the village. On 13.07.22, my husband had gone to work as a laborer to plant

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jeeri in the field of Praveen son of Ishwar Singh Jat of our village. At around 12.00 o'clock, Praveen came to my house along with three police personnel who are posted on Dial 112 in our village and at that time my husband was present at home. Praveen alleged that my husband had stolen Rs. 6000/- from him. The police personnel of the above vehicle took my husband Hansraj with them. My husband Hasranj returned home at around 3.00 PM. At that time my husband was scared and at around 4.00 pm Praveen son of Ishwar and another police personnel whose name I do not know who is posted at DIAL 112 came along with him, Who had a Dzire car bearing no. HR26P 9552. They forcefully made my husband Hasanraj sit in the car. At that time, I, my sister-in-law Suman Patri Aman, Sonia's wife Phulkumar, or my aunt-in-law and husband's wife Chandra were present, they abused my husband like Chuda, Dhed, Behanchod in our presence. Which I and the woman with me said that we will give Rs 6,000/-. Leave my husband. They did not leave my husband even after my request and took my husband away in the car. Today, on 14.07.22, at around 09.00 AM, Nanha, who owns a grocery store in our village, told me that my husband has been murdered in the field of Parveen. On this information, I reached the farm with my sister-in-law Sonia, my brother-in-law Phulkumar and other members of my family Praveen. Where my husband Hansraj was lying dead. There was blood coming out from his head or ears. The accused Praveen and other official killed my husband Hansraj knowing the caste of my husband. You have information, I request you Praveen and others.”

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3. Counsel for the appellant submits that neither the complainant nor the alleged eye witness has supported the prosecution. Reference is being made to testimony of complainant, who appeared as PW-4 placed on record as Annexure P-4.
4. Counsel for the complainant as well as State counsel does not dispute the aforesaid facts.
5. In view of the fact that that neither the complainant nor the eye witness has supported the case of the prosecution, this Court finds that so far as bar under SC/ST Act is concerned, the same cannot be raised to deny the bail to the appellant.
6. In view of the aforesaid facts, without commenting on the merits of the case and keeping in view the fact that appellant is behind bars for more than 01 year, 10 months and 10 days, the present appeal is allowed. Appellant is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

29.05.2024

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Whether speaking/reasoned : Yes

Whether Reportable : No