



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
207
CRA-S-1980-2024
Date of decision: 27.05.2024

Parth @ Partha

... Appellant

Vs.

State of Haryana and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rahul Jaswal, Advocate for the appellant.

Mr. Sharad Aggarwal, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

1. By filing the instant appeal under Section 14 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short – “the SC/ST Act”) appellant is seeking regular bail in:

FIR No.	Dated	Police Station	Sections
267	21.07.2023	Model Town, Panipat	148, 149, 323, 364A, 365, 367, 377, 379, 34, 506, 511 of IPC and 3(2) (v) (va), 3(1)(v) and (s) of SC/ST Act.

2. Version of the prosecution is that FIR, Annexure A1, has been registered on the statement of Mohit Kumar alleging that his brother Rahul has been abducted and a call has been received from Rohit Pannu



demanding ransom of Rs.80,000/- for his release. Complainant informed the police on the helpline number. Rahul and his friends were recovered from the custody of Rohit Pannu and they revealed that they had been abducted as also assaulted with wooden sticks and iron rod by Rohit Pannu and his friends, who also recorded the incident. Allegation was also levelled against the accused of snatching Rs.1,800/- as well as a Metro Rickshaw.

3. Counsel for the appellant contends that the appellant has neither been named in the FIR nor any role has been ascribed to him. By referring to the testimony of the complainant, Mohit Kumar – PW1, as well as that of the victim, Rahul – PW2, he has contended that both the crucial prosecution witnesses have also not levelled allegation against the appellant. He asserts that in their examination, both these witnesses have failed to identify the appellant. He submits that as the appellant is in custody since 22.07.2023, he deserves to be enlarged on bail as both the material prosecution witnesses have been examined and there is a remote possibility of an early conclusion of the trial.

4. *Per contra*, State counsel upon instructions from ASI Chanderpal has opposed the appeal and has submitted that the appellant was hand-in-glove with the co-accused, who kidnapped Rahul and gave him a drubbing. He submits that allegation has been levelled against the appellant/accused of using offensive language attracting offence under SC/ST Act. State counsel could not dispute that some of the co-accused have been released on regular bail by orders dated 26.04.2024 and



08.05.2024 passed by this Court. As per his instructions, four out of thirty two prosecution witnesses have been examined.

5. Having heard counsel for the parties, this Court is prima facie of the view that the appellant is entitled to the concession of bail. Neither any allegation has been levelled against him, nor has he been named in the FIR or in the testimony of vital prosecution witnesses. He has been in custody for the last 10 months and the trial, which is at a nascent stage, is unlikely to conclude in near future.

6. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, appeal is allowed. Impugned order is set aside. Appellant is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

7. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

27.05.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No