



217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-24398-2024;
CRM-24399-2024 &
& O&M CRA-S-2141-2024
Date of decision: 01.07.2024

RAVINDER @ SHINU

...APPELLANT

V/S

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Chanderhas Yadav, Advocate
for the applicant/appellant.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (ORAL)

CRM-24398-2024

This is an application filed under Section 5 of Limitation Act for
condonation of delay of 114 days in filing the present appeal.

Notice in the application.

Mr. Vikas Bhardwaj, AAG, Haryana, who is present in the Court
accepts notice on behalf of respondent No.1-State and submits that he has no
objection if the present application be allowed.

In view of the above, present application stands allowed and delay
of 114 days in filing the present appeal is condoned.

CRM-24399-2024

This is an application filed under Section 482 Cr.P.C. for
exemption from filing the vernacular of the FIR No.811 dated 23.07.2023
registered under Sections 354, 354(A), 450, 342, 506, 34 IPC and Sections



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3(2)(v), 3(2)(va) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 8 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Sadar, Hisar, District Hisar and the vernacular of the final report under Section 173 Cr.P.C.

For the reasons mentioned in the application, the same is allowed.

CM stands disposed of.

CRA-S-2141-2024

1. By way of present appeal, the prayer is for grant of regular bail to the appellant in case bearing FIR No.811 dated 23.07.2023 registered under Sections 354, 354(A), 450, 342, 506, 34 IPC and Sections 3(2)(v), 3(2)(va) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 8 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Sadar, Hisar, District Hisar.

2. Brief facts of the case are reproduced hereunder :

"It is hereby stated that my daughter namely, Parerna aged about 13 years. On 22.07.2023 at about 11:00 p.m. to 12:00 p.m. in the night my daughter went outside the gate of our house to use the toilet. At that very time, a boy namely, Ravinder came there and entered into the toilet of my daughter and with bad intention catch hold of my daughter and hit upon her breast and started threatening that if you will shout, that he will kill the whole family. When my daughter did not come for long time, then my wife Partibha came out and found that my daughter was over powered by him. When my wife was trying to get my daughter free from the accused, then he called my wife with caste names and abused her. I also came present on the house at that very time and we threatened him, we entered into a physical scuffle, then I made a call at 112 and after calling the police we handed over him to the police strong legal action be taken against him."

3. Learned counsel for the appellant *inter alia* contends that the appellant has been falsely implicated in the present case due to personal grudge



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and there is no other material to corroborate the version set up by the prosecution. The version given in the FIR (supra) is different from the statement made by the prosecutrix under Section 164 Cr.P.C. before the concerned jurisdictional Magistrate. Moreover, the victim and the mother have refused to undergo medical examination, which is clearly discernible from the perusal of report annexed as Annexure A-4. It is further contended that the investigation is complete and final report under Section 173 Cr.P.C. has been presented in the month of September, 2023 and the factual ingredients of offences under SC/ST Act are clearly missing and other accused named by the complainant have been found innocent by the investigating agency. The appellant is behind the bars since 27.07.2023.

4. Per contra, learned State counsel opposes the prayer for grant of regular bail to the appellant on the ground that there are serious allegations made against him and he is the main accused and produces the custody certificate of the appellant, which is taken on record. However, he could not controvert the fact that the appellant is not involved in any other case.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the appellant is in custody for the last 11 months and 04 days and he is not involved in any other case. The investigating agency has already concluded the investigation and has submitted the final report under Section 173 Cr.P.C. The trial of the case is likely to take long time to conclude as out of 13 witnesses cited by the prosecution, none has been examined so far. Further incarceration of the appellant, without there being the prospect of the conclusion of the trial, in the near future, would be violative of his rights under Article 21 of the Constitution of India. Culpability, if any, would be determined at the time of the trial.



6. In view of the above, the present appeal is allowed and the appellant-Ravinder @ Shinu is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed strictly in accordance with law, without being prejudiced by observations of this Court.

8. Pending miscellaneous application(s), if any, also stand(s) disposed of.

July 01, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No