



119 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRA-S-2183-2024
DECIDED ON:31.05.2024**

SHISHPAL BENIWAL

.....APPELLANT

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Abhimanyu Singh, Advocate
 for the appellant.

SANDEEP MOUDGIL, J (ORAL)

1. The present appeal has been preferred against the order dated 20.05.2024 passed by learned Special Judge/Additional Sessions Judge, Rohtak vide which the application under Section 438 Cr.P.C. seeking anticipatory bail to the appellant in FIR No. 43, dated 24.02.2024, under Sections 323 & b 506 IPC and 3(2) (va) of Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short '1989 Act'), registered at Arya Nagar, Rohtak, has been dismissed.

2. It has been contended on behalf of the appellant that he has been falsely implicated in the present case at the instance of Satyavir Singh Badgujar, who is a practicing lawyer of District Courts, Rohtak. It is further contended that in FIR No. 51 of 2020, the complainant/respondent No.2 was representing the complainant and due to the best reasons known to the complainant he has changed his counsel in the said FIR and due to the said reason the complainant/respondent No.2 was having grudge against the present appellant

and his son. In the present case the ingredients of Section 3(2) (va) of the 1989 Act are not made out, as the appellant was not knowing the actual caster of the respondent No.2-complainant and there is no medico legal report of respondent No.2-complainant, to show that he received any injury.

3. Notice of motion.

4. On the asking of Court, Mr. Baljinder Singh Virk, Sr. DAG, Haryana accepts notice on behalf of respondent-State of Haryana and seeks dismissal of the present appeal stating that there is specific allegation that caste related words had been used number of times by the appellant against the complainant.

5. Indubitably, there are allegations of uttering caste related words against the appellant but there is a background of dispute between the parties. At this stage, it cannot be altogether ruled out that the allegations pertaining to 1989 Act are not motivated or malafide. No such material has been brought forward to indicate that the appellant was, in some way or the other, aware of the caste of the complainant. Moreover, in the absence of any medico legal report, it cannot be said that the complainant has received any injury.

6. In the present case, the perusal of the FIR reveals that no particular casteist remarks has been uttered by the appellant, so as to insult or humiliate the complainant. Allegations with regard to using casteist words should be *prima-facie* there, without specifying as to what words were used.

7. Having regard to the aforesaid discussion but without commenting anything on merits of the case, the present appeal is hereby accepted and the impugned order dated 20.05.2024 passed by learned Special Judge/Additional Sessions Judge, Rohtak is hereby set aside.

8. The appellant is admitted to anticipatory bail and shall be released

on bail in the event of her arrest subject to satisfaction the IO/arresting officer on
SHAM SUNDER
2024.05.08
I attest to the accuracy and
integrity of this document

following conditions:

- a) the appellant shall join the investigation, as and when so required by the Investigating Officer.
- b) He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court.
- c) He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.

9. In the afore-said terms, the present petition is allowed.

31.05.2024
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>



**154 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-28605-2024
DECIDED ON:31.05.2024**

PANKAJ KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amandeep Saini, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 482 Cr.P.C. seeking quashing of the impugned order dated 12.09.2023 (Annexure P-3) passed by learned trial Court, whereby, the bail order of the petitioner has been cancelled and bail and surety bonds has been forfeited to the State in FIR No. 111, dated 30.07.2021, under Sections 307, 324, 323, 148 and 149 IPC, registered at Police Station Kathgarh, District SBS Nagar

2. Learned counsel for the petitioner submits that the petitioner was granted the concession of anticipatory bail by this Court vide order dated 22.02.2022 (Annexure P-2). It is further submitted that it is only on one occasion i.e. On 12.09.2023 (Annexure P-3), when the petitioner could not appear before the trial Court, however, he has been continuously appearing on each and every date. He further submits that the absence of the petitioner on the said date i.e. 12.09.2023 is stated to be on account of the fact that his counsel has not informed him about the next date of hearing. Due to his absence on

12.09.2023, his bail stands cancelled and bail/surety bonds were forfeited to the State and he was summoned through non-bailable warrants.

3. He undertakes that the petitioner will surrender before the trial Court and shall join the trial proceedings without any delay or default in future.

4. Notice of motion.

5. On the asking of the Court, Mr. Jasjit Singh Rattu, DAG, Punjab accepts notice on behalf of the respondent-State, who is not averse to the undertaking given by the petitioner that he will surrender before the trial Court.

6. In view of the afore-said facts and circumstances and without commenting upon the merits of the case, the present petition is allowed and order dated 12.09.2023 is hereby, set aside and petitioner is directed to surrender before the trial Court within a period of 10 days from today and apply for regular bail.

7. In case, such an application for bail is moved by the petitioner before the learned trial Court, the same shall be considered on the same date and decided in accordance with law.

8. However, it is made clear that in case the petitioner does not abide by the aforesaid undertaking, the respondent/State shall be at liberty to move an appropriate application for revival of the instant petition.

9. The aforesaid order/concession to the petitioner shall be subject to payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh (Account No.65035682434, IFSC Code: SBIN0050306) and a receipt of the same be produced before the Trial Court and only in that eventuality, application of the petitioner for seeking bail be considered.

(SANDEEP MOUDGIL)
JUDGE

31.05.2024

Sham

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>



235 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18542-2024
DECIDED ON: 31.05.2024

DEEPAK SINGH @ RAJU

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: None for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The instant petition under Section 438 Cr.P.C., has been filed for grant of anticipatory bail to the petitioner in FIR No.5, dated 25.01.2024, under Section 295-A IPC, registered at Police Station Sultanwind, District Police Commissionerate Amritsar.
2. This Court vide order dated 18.04.2024, while issuing notice of motion, granted the concession of interim bail to the petitioner, subject to his joining the investigation.
3. A short affidavit of Maninder Pal Singh, PPS, Assistant Commissioner of Police, South, Amritsar has been filed by learned State counsel. The same is taken on record. Learned State counsel, on instructions from SI Parlad Singh, submits that the petitioner has joined the investigation and his further custodial interrogation is not required
4. In view of the above, the order dated 18.04.2024 is, hereby, made absolute.
5. Accordingly, the present petition is disposed of.

(SANDEEP MOUDGIL)
JUDGE

Sham

Whether speaking/reasoned : *Yes/No*
Whether reportable *Yes/No*



232

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-5072-2024

DECIDED ON:31.05.2024

ARJUN SHARMA

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Mohit Kakkar, Advocate
for the petitioner.

Mr. Surender Singh Pannu, Addl. AG, Haryana.

Mr. Akash Mehra, Advocate
for respondents No.4 to 6.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 226/227 of the Constitution of India has been invoked for issuance of a writ in the nature of Habeas Corpus for appointment of a Warrant Officer for the release of the detainee namely Rekha Rani (wife of the petitioner), who is stated to be in illegal confinement of respondents No.4 to 6.

2. In compliance of order dated 29.05.2024, a report of the Warrant Officer has been received, which is taken on record. Copies thereof, has been supplied to the counsel opposite as well as counsel for respondents No.4 to 6.

3. From perusal of report of Warrant Officer, it is evident that the alleged detainee is ready and willing to join the company of petitioner, who is her husband and has been forcibly taken by her relatives.

4. The alleged detainee namely Rekha Rani is also present in Court along-with her husband namely Arjun Sharma (petitioner) and reiterates her stand taken before the Warrant Officer that she wants to go with her husband.

5. In view of the statement made by the alleged detenue, nothing survives in the present petition and she is allowed to go with her husband from Court itself.

6. Disposed off, as having been rendered infructuous.

31.05.2024

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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>

231

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-12637-2023

ISHU GUPTA AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

Present: None for the petitioners.

 Mr. Jasjit Singh Rattu, DAG, Punjab.

A status report filed by way of an affidavit of Nirmal Singh, PPS, Assistant Commissioner of Police (Central), Commissionerate Jalandhar is taken on record.

Due to non-availability of counsel for the petitioner, hearing of the case is deferred to 09.07.2024.

31.05.2024
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(SANDEEP MOUDGIL)
JUDGE



225 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-24266-2024
DECIDED ON:31.05.2024**

ROHIT SAINI ROHI

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. PPS Tung, Advocate
 for the petitioner.

Mr. Surender Singh Pannu, Addl. AG, Haryana.

Mr. Sandeep K. Simpy, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 482 Cr.P.C. seeking quashing of FIR No. 95, dated 11.04.2024, under Sections 379-A, 420 IPC, registered at Police Station Radaur, District Yamuna Nagar with all subsequent proceedings arising therefrom, on the basis of compromise dated 06.05.2024 (Annexure P-2).
2. Learned counsel for the petitioner prays for withdrawal of the present petition with liberty to approach the Court on the same cause of action as and when parties do agree.
3. Prayer is accepted.
4. Dismissed as withdrawn at this stage with liberty as prayed for.

**(SANDEEP MOUDGIL)
JUDGE**

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>

224

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24133-2024

BALDEEP SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

Present: Ms. Divya Gulati, Advocate for
Mr. L.M. Gulati, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

None for respondent No.2.

A short reply filed by way of an affidavit of Jaspal Singh, PPS,
Deputy Superintendent of Police, Sub-Division Majitha, Amritsar (Rural) is
taken on record. Copy thereof, has been supplied to the counsel opposite.

Adjourned to 05.08.2024.

31.05.2024
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(SANDEEP MOUDGIL)
JUDGE



**219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-53453-2023
DECIDED ON: 31.05.2024**

LAKHWINDER SINGH AND OTHERS

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Komalpreet Kaur, Advocate for
Mr. Sandeep Arora, Advocate
for the petitioners.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer in the present petition is for quashing of FIR No. 131, dated 17.06.2021, under Sections 452, 323, 324, 427, 148 and 149 IPC (Sections 450, 307 IPC and Section 25 and 27 of Arms Act, added later on), registered at Police Station Sadar Kaputhala, along-with all the subsequent proceedings arising therefrom, on the basis of compromise.
2. Learned counsel for the petitioners prays for withdrawal of the present petition at this stage.
3. Prayer is accepted.
4. Dismissed as withdrawn at this stage.

**(SANDEEP MOUDGIL)
JUDGE**

31.05.2024

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>

CRM-M-47826-2023 (O&M)

LOVEPREET SINGH AND ANOTHER

.....PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

Present: Ms. Shivika Sood, Advocate for
Mr. Gaurav Goel, Advocate
for the petitioners.

Mr. Jasjit Singh Rattu, DAG, Punjab.

Mr. A.R.S. Dhillon, Advocate
for respondent No.2.

It has been contended by learned counsel appearing for the petitioners that the parties could not appear before trial Court for recording of their statements, as the petitioners who are government servants, have not been granted the leave. Thus, she prays for one last opportunity to appear before the trial Court.

In view of above, one last opportunity is granted to the parties to appear before learned trial Court for recording of their statements within a period two weeks from today. The trial Court shall submit its report on or before the adjourned date.

Adjourned to 25.07.2024.

The afore-said direction issued by this Court shall be subject to payment of Rs.5000/- costs, to be deposited in the account of Punjab and High Court Bar Association and the receipt of the same be produced at the time of recording of their statements.

(SANDEEP MOUDGIL)
JUDGE

31.05.2024