

**CRA-S-2241-2024****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.215****Case No. : CRA-S-2241-2024****Decided On : November 05, 2024**

Deepak @ Deepu and others

.... Appellants

vs.

State of Haryana and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. G. S. Sandhu, Advocate
for the appellants.

Mr. Gurmeet Singh, AAG, Haryana.

Ms. Riya Mittal, Advocate
for respondent no.2.

* * *

GURBIR SINGH, J. :

1. The present Criminal Appeal has been preferred against the order dated 03.05.2024, passed by learned Additional Sessions Judge-cum-Special Judge, Kaithal (for brevity – Trial Court), whereby the appellants have been denied concession of regular bail in FIR No.130 dated 27.08.2023, under Sections 148, 149, 323, 325, 342, 365, 367, 379, 506 IPC and Section 3(1) (e), 3(1)(r), 3(1)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act, 1989 (for short – SC/ST Act), registered at Police Station Titram, District Kaithal.

2. The brief facts, necessary for disposal of the present appeal, are that FIR in question was registered against the appellants with the allegations that on 24.08.2023, the appellants along with other accused

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persons, abducted the complainant namely Parveen and made casteist remarks against him as he was a member of Scheduled Caste and this fact was in the knowledge of the appellants. Thereafter, the complainant was forcibly taken to a secluded room and was beaten up by the appellants. They also committed unnatural acts with him. His clothes were removed and he was tortured, humiliated, abused and beaten up. His cash and valuables were also snatched. Somehow, he got himself freed from the clutches of appellants and reported the matter to the police. A video of the complainant was also allegedly recorded and all this was done by the appellants due to previous enmity with the complainant. The complainant also suffered a fracture along 14 other injuries.

3. At the outset, learned counsel for the appellants has stated that the matter between the parties stands compromised and the complainant is not interested to pursue the FIR in question. A petition bearing **CRM-M-4445-2024** has also been filed for quashing the said FIR, which is pending. An affidavit dated 12.12.2023, duly sworn by complainant-respondent no.2, has also been annexed as Annexure A-1. It has further been submitted that the appellants are in custody since 29.08.2023. The investigation is complete and Challan has been presented before the learned Trial Court. Lastly, it has been prayed that keeping in view the factum of compromise, the appellants be released on bail.

4. On the last date of hearing, Status Report has already been filed on behalf of respondent no.1/State of Haryana.

5. Learned State counsel and learned counsel appearing for the complainant have not disputed the factum of compromise, as per duly sworn

affidavit of the complainant.

6. I have heard the submissions of learned counsel for the parties and perused the case file.
7. Though there are serious allegations against the appellants regarding abducting the complainant and then treating him in an inhuman manner, which certainly amounts to physical and mental torture but on the other hand, the Court cannot ignore the fact that the complainant himself has entered into compromise with the appellants just to put an end to the ongoing grudge between the parties and to maintain peace and harmony in future. The initiative taken by the complainant should be respected. Moreover, the trial is at the initial stage and may take a long time to conclude. So, no useful purpose would be served with the custodial interrogation of the appellants.
8. Accordingly, the present appeal is allowed and appellants are ordered to be released on regular bail, on their furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate concerned.
9. However, anything stated herein above shall have no effect on the merits of the case. What has been observed above, is only for the purpose of disposal of this appeal.
10. Pending applications, if any, shall stand disposed of along with this judgment.

November 05, 2024
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.