

2024:PHHC:0868/2



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.221

**CRA-S-2375-2024(O&M)
Date of decision : 12.07.2024**

Tarun and another

..... Appellants

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Pardeep Panwar, Advocate, for the petitioners.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. S.S. Nain, Advocate, for the complainant.

KIRTI SINGH, J. (Oral)

This appeal has been filed for grant of regular bail to the appellants in case FIR No.44 dated 04.03.2024, under Sections 295 & 34 IPC and Section 3(1)(V)(T) of the SC/ST Act, registered at Police Station Dhauj, District Faridabad, Haryana.

2. Learned counsel for the appellants submits that the appellants had damaged the statue of Dr. Bhim Rao Ambedkar Ji and had uttered caste related words. He further submits that appellants have not been named in the FIR and no specific role has been attributed to them. He also submits that the complainant and star witness of the prosecution have given an affidavit in favour of the appellants. He further submits that nothing has been recovered from the appellants and there is no other criminal case pending against the appellants. Thus, the appellants may be granted the concession of regular bail.

3. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the appellants. He states that

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the appellants had actively involved in the commission of the offence. He has filed custody certificates in Court today and the same are taken on record. As per custody certificate, the appellants have undergone actual custody of 02 months and 06 days. He on instructions from the concerned investigation officer submits that charges have been framed on 05.06.2024. He also submits that out of a total of 09 prosecution witnesses, none has been examined till date. He further submits that in view of the serious allegations against the appellants, they are not entitled to the concession of regular bail.

4. Heard.

5. The veracity of the allegations leveled against the appellants shall be established during the course of the trial. Admittedly, charges have been framed on 05.06.2024. None of the prosecution witness has been examined till date and further incarceration of the appellants would not serve any purpose.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial and considering the fact that the matter has been compromised between the parties and that there is no other criminal case pending against the appellants, the present appeal is allowed and the appellants are ordered to be released on regular bail on their furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The appellants shall also abide by the following conditions:-

(I) The appellants will not tamper with the evidence during the trial.

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(II) The appellants will not pressurize/intimidate the prosecution witness(s).

(III) The appellants will appear before the trial Court on the date fixed, unless personal presence is exempted.

(IV) The appellants shall not commit an offence similar to the offence of which they are accused of, or for commission of which they are suspected.

(V) The appellants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

9. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

12.07.2024

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes/No

Yes/No