

211

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

**CRA-S-2410-2024 (O&M)
Date of decision : 18.11.2024**

Harbans Singh @ Gora and another

...Appellant(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

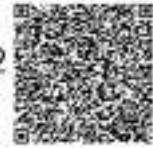
Present: Mr. S.S. Sidhu, Advocate for the appellants.

Ms. Neha Sonawane, DAG, Punjab.

Mr. Sunil Doda, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present appeal has been filed under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities), Act, 1989 (*for short, 'the SC&ST Act'*), for quashing of order dated 06.06.2024, passed by learned Additional Sessions Judge, Bathinda (*hereinafter referred to as 'Special Court'*), whereby, application under Section 439 of the Code of Criminal Procedure, 1973 (*for short, 'the Cr.P.C.'*) for grant of bail pending trial to the appellants in FIR No.43 dated 18.05.2023, under Sections 306 & 120-B of the Indian Penal Code, 1860 (*for short, 'the IPC'*); and Sections 3 & 4 of the SC&ST



Act; registered at Police Station Maur, District Bathinda, was dismissed.

2. Allegations are that appellants along with other co-accused after hatching a conspiracy insulted and humiliated the deceased-Makhan Kaur, a member of the Scheduled Caste community, by passing derogatory remarks against her caste and character, compelling her to commit suicide.

3. Learned counsel for the appellants contends that the appellants were granted interim bail by this Court on 03.10.2024 and they are regularly appearing before learned Special Court. There is no apprehension that appellants are likely to influence the prosecution witnesses or hamper the trial, in any manner. Also contends that respondent No.2 (*de facto* complainant) is not pursuing allegations against the appellants before learned Special Court.

4. Above factual position is duly acknowledged by learned State counsel as well as learned counsel for the complainant.

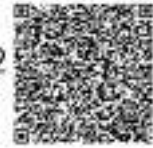
5. Heard learned counsel for the parties and perused the paper-book.

6. It is an admitted position that appellants were granted interim bail by this Court on 03.10.2024 and relevant part of the same is recapitulated as under:-

“Contends that respondent No.2 (de facto complainant) is not pursuing allegations against the appellants before learned Special Court.

The above factual position is duly acknowledged by learned counsel for respondent No.2.

However, learned State counsel seeks time to have instructions in the matter.



Posted for 18.11.2024.

In the meanwhile, appellants be released on interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

7. It is acknowledged by learned State counsel that in terms of the aforesaid order, appellants were released on interim bail and they are regularly appearing before learned Special Court; there is no allegation that they are likely to misuse the concession of bail or hamper the proceedings in case their interim bail is made absolute; *de facto* complainant-respondent No.2 is not pursuing allegations against the appellants; and as such, sending the appellants to custody at this stage would not serve any purpose.

8. Consequently, present appeal is allowed; order dated 06.06.2024, passed by learned Special Court is quashed and set-aside; and interim bail granted to the appellants, vide order dated 03.10.2024, is made absolute. Appellants shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Appellants shall appear on each & every date of hearing and to fully co-operate with the learned Special Court without seeking any unnecessary adjournment(s).

10. Above observations be not construed as an expression of opinion on merits of case, in any manner.

2024.PHHC.149442



11. It is clarified that in case there is any misuse of concession of bail on the part of the appellants, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

18.11.2024
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No