



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

134

**CRA-S-2404 of 2024
DATE OF DECISION :- 31.07.2024**

Lovepreet @ Lavi **...Appellant**

Versus

State of Haryana and another **...Respondents**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Saleem Ahmad, Advocate for the appellant.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. Pardeep Sihmar, Advocate
for complainant- respondent No. 2.

SUMEET GOEL, J. (Oral)

1. Present appeal has been filed against the order dated 28.02.2024 passed by learned Additional Sessions Judge-cum-Judge Special Court-cum-Vacation Judge, Kaithal for grant of regular bail in FIR No.40 dated 28.02.2024, registered for the offences punishable under Sections 148,149,323,325,354,354-A,365,379-B,341,342,120-B,427,506 IPC and Sections 3(1) (r),3(1)(s),3(2)(v),3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station City Siwan, District Kaithal.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“Statement of Kusam wife Pawan Kumar resident of Sihan Police Station Cheeka aged about 29 years Mobile No. 9050082125 stated that I am a resident of the above named address and do household work, I have 2 children and my



husband is in abroad for about 2 years. Today, on 28.02.2024, I came to Cheeka from my village Sienh in the afternoon and after reaching Cheeka, I met Ramkala of my village, at Cheeka Chowk whom I knew earlier and asked him to company me to village Polar as I has some personal work at village Polar and I sat on Ramkala's motorcycle and started towards village Polar, when we reached near Kaangthali, I got suspicious, that someone was following us, so I told this to Ramkala, then after looking from the mirror of the motorcycle, he told her that they were from their own village and we had crossed Kaangthali. Time was around 1:00 pm in order to save our lives we stayed in Oyo Hotel and we stayed inside the Hotel for a long time. When we came out of the Hotel around 04:00, we saw a black car in which there were three boys and two bikes, including a Bullet motorcycle, on which there were two boys. Those blocked our path and had dandas, gandasi and sticks in their hands. And after injury us, they forcefully put us inside the black coloured car and beat us with helmet and fist they took us towards our village Sienh via village Ballbehara Harigarh. The car was being driven by Ravi son of Banta Ram and Jagseer son of Karnail Singh, Suresh son Dayal were also there and on a motorcycle there were Gurvinder son of Kari and three four other boys were also whom I do not recognize and they teased me in the car and I was molested inappropriately, they took me to General Chaupal of our village and confined me in a room. They also gave beatings to Ramkala and he raised alaram. On hearing his noise my uncle Shripal (Taya) son of Ajmep Singh and other reached on the spot. On seeing them all the aforesaid persons run away from the spot along with their respective weapon while threatening that now I am saved and said make your Sarpanch, our liquor vend would be lifted and used derogatory words to Ramkala against his caste. I have presented my MLR to you, I have written my statement, read it, as correct. Sd/- Kusam Devi attested Naresh Kumar PS Siwan



dated 28.02.2024 Police took action today on 28.02.2024, information was received in the Police Station that Mitra near village Polar near Da Dhaba, a boy and girl were forcefully beaten in the vehicle and taken towards Cheeka, on the information of which I left for the spot with ESI and constable bearing number 1085/Kaithal and HGH Subhash 406, who reached on the spot. And since then I received information from the Police station that a call was received from the Government Hospital Guhla that the victim Kusum wife of Pawan Kumar, resident of Sih Police State Cheeka has come for treatment, on this information I reached the Government Hospital Guhla along with my fellow employee who is here with me. The victim Kusum wife Pawan Kumar was found present along with her family, who presented her MLR NO. VC-32.2024 dated 28.02.2024 which has a total of 5 injuries in the MLR, all of which are blunt. She got her above mentioned statement written, which was considered correct and she signed in Hindi below her statement. Which I verified as per the above statement and study of MLR, the crime was section 148, 149,323,365,506,354-A IPC, 3 SC ST ACT, and after writing a report to register case. Constable Manish Kumar No. 1085/Kaithal is being sent to police station Siwan for getting marked. The special report of the case should be sent to the officer's service. After registering the case, the case file will be sent to the higher officials Place Government Hospital Guhla Sd/- Naresh Kumar SI police Station Siwan Date 28.02.2024 Time 20.00 PM in the police station Props Article From the above it is found to be the crime under section 148,149,323,365,354-A IPC 3 SC ST ACT. But case no. 40 Date 28.02.2024 Section 148,149,323,506,365,354-A IPC 3 SC ST ACT Police Station Siwan was registered and the original article was copied with Police and handed over to incoming constable Manish Kuma no. 1085/ Kaithal and kept by the designated researcher. The special report of the case is being



sent to Bajaria email id of Area Magistrate Kaithal anubohat33@gmail.com and Superintendent of Police Kaithal's email id sspkaithal@gmail.com and Deputy Superintendent of Police Guhla's email id dspguhla@gmail.com.”

3. Learned counsel for the appellant submits that the appellant is in custody since 21.04.2024. Learned counsel for the appellant has further argued that the appellant has been falsely implicated into the FIR in question on account of political rivalry in the village. Learned counsel for the appellant has further argued that allegations of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are not made out against the appellant in the factual matrix of the instant case. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Counsel for the State opposed the present petition arguing that the allegations raised are serious in nature and thus the appellant does not deserve the concession of regular bail.

5. Learned counsel for the complainant has vociferously opposed the grant of regular bail to the appellant by arguing that the allegations made against the appellant are serious in nature and complete recovery of the snatched amount has not yet been made hence he does not deserve to be enlarged on bail.

6. I have heard counsel for the parties and have gone through the available records of the case.

7. The appellant was arrested on 21.04.2024. After completion of investigation, the challan was presented on 08.05.2024. Total 40 prosecution witnesses have been cited and culmination of trial, but of course, will take its own time. The rival contentions of learned counsel for the parties; as to



whether the appellant has been falsely implicated into the FIR in question as also whether the offence of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are made out against the appellant or not; shall be gone into during the course of the trial. This Court does not deem it appropriate to delve into these rival contentions at this stage lest it may prejudice the trial. No tangible material has been brought on record to show that there is likelihood of the appellant absconding from the process of justice or interfering with the prosecution evidence. As per the custody certificate dated 25.07.2024 filed by the State counsel, the appellant has suffered incarceration for more than three months & is not shown to be involved in any other case. In the considered opinion of this Court, further detention of the appellant as an under trial is not warranted.

8. In view of the factual matrix of the present case, the instant appeal is allowed. Appellant is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the appellant shall remain bound by the following conditions:-

- (i) The appellant shall not mis-use the liberty granted.
- (ii) The appellant shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The appellant shall not absent himself on any date before the trial.
- (iv) The appellant shall not commit any offence while on bail.
- (v) The appellant shall deposit his passport, if any, with the trial Court.



- (vi) The appellant shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The appellant shall not in any manner try to delay the trial.

9. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the appellant.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

31.07.2024
P.Singh

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