



247 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-S-2456-2024
Date of decision: 22nd July, 2024

Love
Versus
State of Haryana
...Appellant(s)
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. S.S. Momi, Advocate for the appellant.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The instant appeal has been filed against the order dated 05.07.2024 passed by the Court of learned Additional Sessions Judge, Ambala in case arising out of FIR No. 92 dated 30.03.2024 registered under Sections 148, 149, 323, 341, 452 and 506 of IPC, 1860 and later on Section 3(1)(r) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act') added, at Police Station Mullana, District Ambala, whereby an application for grant of regular bail as filed by the appellant, had been dismissed.

2. Brief facts of the case relevant for the purpose of disposal of this appeal are that on 27.03.2024, a written complaint was submitted by complainant Kamlesh alleging therein that on the same day at about 6:00



PM, she was on way back to her house and had reached at Tangail Road after taking ration from a government ration shop, when the co-accused Rahul Rana intercepted her. She told him to not to do so but he did not bother. He also hurled abuses to the complainant. However, she came back home. On the same night, accused Rahul Rana, Arvind and Jatinder Saini came to the main gate of her house and started hurling abuses. Then 20-25 youths armed with weapons followed them and opened an assault upon her son and herself and extended beatings to them. Her nephew Sanjeev rushed for their rescue but he too sustained injuries and thereafter the assailants fled away. Initially, a case under Sections 148, 149, 323, 341, 452 and 506 of IPC was registered. Investigation proceedings were initiated. After presentation of a caste certificate by the complainant, offence under Section 3(1)(r) of SC/ST Act was also added. The petitioner was named by the co-accused and was arrested in this case on 13.06.2024. He moved an application for grant of regular bail which has been dismissed by the Court of learned Additional Sessions Judge, Ambala by the impugned order.

3. It is argued by learned counsel for the appellant that he has been falsely implicated in this case. He was not named in the FIR. The co-accused Balram and Ritik have been extended benefit of bail. He was arrested in this case on the basis of disclosure statement of co-accused which cannot be taken into consideration. The complainant and other injured witnesses have sworn affidavits to the effect that the petitioner was not involved in the occurrence. However, the learned Additional Sessions Judge



did not take the same into consideration while deciding the plea of grant of bail as filed by the appellant. Simple injuries are alleged to have been suffered by the victims in this case, neither of which have been attributed to him. Trial is likely to take time. His custodial interrogation is not at all required. His further detention would not serve any useful purpose. Therefore, it is argued that the appeal deserves to be allowed.

4. Notice of motion.

5. Learned State counsel who has advance notice of the appeal has submitted that he is ready to argue the matter. It is argued by him that there are serious allegations against the appellant and therefore, he does not deserve to be extended benefit of bail. It is therefore, urged that the Court of learned Additional Sessions Judge has rightly dismissed the plea for grant of bail as filed by the appellant and therefore, it is urged that the appeal does not deserve to be allowed.

6. I have heard learned counsel for the appellant as well as learned State counsel at considerable length and have gone through the record carefully.

7. The appellant alongwith the co-accused is alleged to have formed membership of an unlawful assembly on 26.03.2024 and in prosecution of common object of that unlawful assembly, he is alleged to have wrongfully restrained the complainant, criminally trespassed into her premises and is further alleged to have extended beatings to herself and her family members and criminally intimidated them. The appellant is in



custody since 13.06.2024. The trial is likely to take time. As per the copies of the MLRs placed on record, simple injuries were suffered by the victims. Annexure A-6 is copy of an affidavit stated to be sworn by the complainant saying that the appellant was not involved in the incident and had not caused any injuries to them. Though the contents of this affidavit cannot be taken into consideration at this stage, however, keeping in view the nature of the subject offences, the period of incarceration of the appellant, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the appellant deserves to be extended benefit of bail. Accordingly, the impugned order is set aside. The appeal is accepted and the appellant is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of the learned trial Court.

8. Since the main appeal has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

22nd July, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |