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

CRA-S-2598-2024 (O&M)

Date of Decision:- 18.09.2024

SACHIN

....Appellant

Vs.

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Aditya Sanghi, Advocate and Mr. Saurabh Sharma,
Advocate for the appellant.

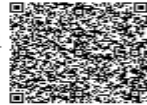
Ms. Aditi Girdhar, AAG, Haryana.

None for respondent No.2.

AMARJOT BHATTI, J. (Oral)

1. Appellant – Sachin has filed the instant appeal against impugned order dated 23.07.2024 passed by Additional Sessions Judge, Narnaul vide which anticipatory bail application filed by appellant Sachin in FIR No.54, dated 20.05.2024 under Sections 323, 341, 506, 34 IPC and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Police Station Nizampur, District Mahendergarh has been declined.

2. As per facts of the case, Parkash Singh complainant gave his statement to the police that he is Sarpanch of village. On 20.05.2024 at about 6.15 pm he received call from Mukesh to meet him. At about 7.30 pm, when he was going to meet Mukesh, he found him present at the shop of his nephew Sachin. Mukesh stopped him and abused him by naming caste and stated as to who had made him Sarpanch of the village. Both

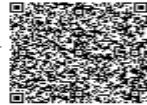


Mukesh and Sachin started beating him with sticks. On alarm raised by him, his wife Reena, sister-in-law (bhabhi) Babita reached on the spot. Aforesaid accused persons also misbehaved with them. They nourished grudge towards him as he was witness to the report qua Vikram and Ashok for coming on parole. With these allegations, present FIR has been registered.

3. Learned counsel for appellant pointed out that he is falsely implicated in this case. Main allegations falling under the provision of SC/ST Act are attributed to Mukesh who has been granted regular bail by the Court of learned Additional Sessions Judge, Narnaul vide order dated 27.06.2024, which is Annexure P-3. Present appellant was not attributed with abuses naming caste. This fact has not been considered by the trial Court while dismissing his anticipatory bail application vide order dated 23.07.2024. Other alleged allegations levelled against him falls under Section 323, 341, 506 and 34 IPC. Learned ASJ Narnaul also dismissed the anticipatory bail application vide order dated 27.06.2024 without considering these facts. Present appellant is ready to join the investigation and will abide by the terms of bail order. Therefore, appeal preferred by appellant may be allowed and he may be released on anticipatory bail.

4. The present appeal is opposed by learned counsel representing State. Status report is already filed which is taken on record. Notice was also issued to respondent No.2 who did not appear despite service.

5. Learned counsel representing State argued that present appellant Sachin is specifically named in the FIR and specific role is attributed to him. Co-accused Mukesh was arrested on 23.06.2024 whereas present appellant is evading the process issued to him under Section 41-A Cr.P.C.



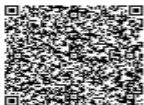
for joining the investigation. It is further clarified that present appellant is not involved in any other criminal case. In para No.8 of the status report, it is submitted that appellant has cooperated with the Investigating Officer at the time of joining investigation. Therefore, he is not required for any other purpose nor any recovery is to be effected from him.

6. I have considered the arguments and have gone through the record carefully. Contents of FIR clearly indicate that it was Mukesh who allegedly abused the complainant naming caste. Said Mukesh has been granted regular bail vide order dated 27.06.2024 (Annexure P-3). Present appellant is not attributed any abuses naming caste. In-fact, allegations against present appellant is regarding giving beating to the complainant. Other offences are under Sections 323, 341, 506 and 34 IPC. Aforesaid facts are not considered by the learned Additional Sessions Judge while dismissing the anticipatory bail vide order dated 23.07.2024.

7. Considering the aforesaid facts and circumstances of case, appeal preferred by appellant - Sachin is accepted and accordingly impugned order dated 23.07.2024 is set aside and appellant is granted the relief of anticipatory bail with the direction that in case appellant is arrested, he be released on anticipatory bail to the satisfaction of Arresting Officer/Investigating Officer subject to the condition that he will join the investigation as and when required; he will not tamper with or interfere with the investigation and will not leave the country without prior permission, as provided under Section 438 (2) Cr.P.C.

8. Appeal is, accordingly, accepted.

9. My observations are made for the disposal of this appeal and it will have no bearing on the merits of case.



10. Pending miscellaneous application(s), if any, stand disposed of accordingly.

18.09.2024

(AMARJOT BHATTI)
JUDGE

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