

**CRA-S-2718-2024****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****108****CRA-S-2718-2024****Date of Decision : September 03, 2024****RANDHIR SINGH****-APPELLANT****V/S****STATE OF PUNJAB AND ANOTHER****-RESPONDENTS****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. L.S. Sidhu, Advocate
for the appellant.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Ms. Neha Randhawa, Advocate for
Mr. Gaurav Goyal, Advocate
for the complainant.

*********KULDEEP TIWARI, J. (ORAL)**

1. On oral request of the learned counsel for the appellant, offence under Section 3(1)(x) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the 'SC/ST Act'), as became incorporated in the present FIR during the course of investigation, is ordered to be read as a part of the offences, whereunder, the appellant is claiming the relief of regular bail.

2. Registry is directed to carry out the requisite corrections at all the relevant places in the present appeal.

3. Through the instant appeal, the appellant prays for setting aside the order dated 29.07.2024, whereby, the learned Judge concerned has declined to grant him regular bail, in case FIR No.141 dated 18.11.2023,

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under Sections 306 of the IPC (Section 305 of the IPC, and, Sections 3(2)(v) and 3(1)(x) of the SC/ST Act added subsequently), registered at P.S. Dirba, District Sangrur. Moreover, the appellant also prays for granting him the relief of regular bail in the present FIR.

4. As a matter of fact, earlier the appellant had, when the present FIR embodied offence only under Section 306 of the IPC, approached this Court, through filing CRM-M-690-2024, thereby seeking the relief of regular bail. During pendency of the said petition, the appellant (petitioner therein) was granted interim bail by this Court, in the light of the judgment passed by the Hon'ble Supreme Court in ***“Mohit Singhal and anr. Vs. State of Uttarakhand and ors.”*** [Criminal Appeal No.3578 of 2023]. The interim bail order passed by this Court on 07.02.2024 is annexed as Annexure A-4.

5. Thereafter, for the purpose of final disposal of the regular bail petition (supra), this Court, vide order dated 09.07.2024 (Annexure A-5), directed the appellant (petitioner therein) to surrender before the learned trial Court concerned and the said directions were complied with by him. However, on account of the supervening events, i.e. incorporation of offence under Section 305 of the IPC and Section 3(2) of the SC/ST Act in the present FIR, the regular bail petition (supra) was dismissed by this Court vide order dated 15.07.2024 (Annexure A-6) and the appellant (petitioner therein) was relegated to the learned trial Court concerned, for seeking the relief of regular bail under the newly incorporated offences.

6. Accordingly, the appellant accessed the learned trial Court concerned for grant of regular bail, however, his request was declined by

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the latter vide order dated 29.07.2024. This declining order has caused pain to the appellant and coaxed him to institute the present appeal thereagainst.

7. The genesis of the present FIR is embodied in a statement made by one Jagsir Singh (hereinafter referred to as the 'complainant'). Succinctly stated, the allegations levelled in the present FIR are that, on 16.11.2023, consequent upon a child becoming hit by complainant's son's scooter, many persons gathered at the spot, out of whom, one person gave 5-6 slaps to complainant's son. The complainant's son felt humiliated on account of him becoming slapped in front of general public and resultantly, he committed suicide on 17.11.2023, by leaving a suicide note. Subsequently, the complainant made enquiry and came to know that it was the appellant, who had slapped his son.

8. The learned counsel for the appellant, in his beseeching the reliefs embodied in paragraph No.3 of this order, submits that, even if the allegations levelled in the present FIR are taken on their face value, yet no offence under Section 306 of the IPC is made out against the appellant, as the ingredients of abetment are completely lacking. Moreover, no offence even under Section 3(2)(v) of the SC/ST Act is made out against the appellant, as there is no allegation that the appellant was aware about the caste of the complainant's son (since deceased).

9. The learned counsel for the appellant further submits that, appellant's co-accused (i) Prince Cheema has been granted the concession of anticipatory bail by this Court, vide order dated 07.02.2024, drawn upon CRM-M-3615-2024; and (ii) Gagan Sharma has been granted the concession of interim bail by this Court, vide order dated 21.12.2023, drawn

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upon CRM-M-64480-2023.

10. *Per contra*, the learned State counsel, who is assisted by the learned counsel for the complainant, has vociferously opposed the grant of regular bail to the appellant, on the ground that, the allegations levelled against the appellant are grave in nature.

11. The learned State counsel has also filed reply, on affidavit of Prithvi Singh, PPS, Deputy Superintendent of Police, Sub Division, Dirba, and, custody certificate of the appellant, which are taken on record.

12. This Court has heard the arguments advanced by the learned counsels for the contesting litigants and also made a studied survey of the record. For the reasons assigned hereinafter, this Court deems it appropriate to grant the reliefs yearned by the appellant.

13. *Prima facie*, the appellant has been roped in the present FIR merely on the statement of complainant, wherein, the latter has stated that he had come to know from someone that the appellant had given slaps to his son, which resulted in him committing suicide. This Court is of the opinion that “*whether the allegations levelled by the complainant fulfill the ingredients of abetment, as adumbrated in Section 107 of the IPC, or not*” is a moot question, which requires its becoming adjudicated by the learned trial Court concerned, after appreciation of evidence, as becomes adduced before it by the parties.

14. Moreover, a perusal of the appellant’s custody certificate reflects that, till 02.09.2024, he has undergone incarceration of 04 months and 09 days and he is not involved in any other criminal case.

15. In summa, without commenting upon the merits and



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circumstances of the present case, the instant appeal is **allowed**. The impugned order dated 29.07.2024 is set aside, and, the appellant is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

16. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present appeal only.

September 03, 2024
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(KULDEEP TIWARI)
JUDGE

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