

CRA-S-1740-2022

2024:PHHC:026621

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

247

CRA-S-1740-2022

Date of Decision : February 26, 2024

HARISH

.....Appellant

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vishal Yadav, Advocate for the appellant.
Mr. Abhinash Jain, DAG, Haryana.
Mr. Rahul Yadav, Advocate for respondent No.2.

KULDEEP TIWARI, J. (Oral)

1. Through the instant appeal, challenge has been thrown to the order dated 4.8.2022 whereby, the application preferred under Section 438 Cr.P.C. for grant of pre-arrest bail in FIR No.123 dated 21.5.2022, under Sections 148, 149, 323, 324, 341, 506, 201 IPC and under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Sections 25-54-59 of the Arms Act, registered at Police Station Kosli, was declined by the learned Additional Sessions Judge, Rewari.

2. The allegations against the present appellant and co-accused are that when the complainant was going to his hotel on his motor cycle, 7-8 persons waylaid him and attacked him with the weapons like knife and lathis. On the basis of the complaint made by the complainant, the FIR (supra) was registered. For ready reference, the gist of the allegations reads as under:-

*“To Sh. SHO Sir, Police station Kosli. It is
humbly submitted that I Jaibhagwan @ CM son of Attar*

Singh resident of Bhakli and I am having a Hotel in the Ekant Hotel in Kosli market. Today at around 4.30-4.45 PM in the evening I was going to my hotel from my house on my motorcycle Bullet HR 43 C 4376 and when I reached near Shiv Mandir Bhakli then a Swift Vdi came from front and after hitting my motorcycle 7-8 boys came out of it and they were having knife and lathi and all in connivance with each other attacked with knife and lathi and because of this I received several grievous on my body. Assailants who attacked me were Sahil s/o Mangatram, Shibu s/o Raj Singh, Ajay s/o Zile Singh, Sachin s/o Zile Singh, Kulfi S/o Vijay. Shirdi @ Rahul s/o Rattan Singh, Gajender resident of Bhakli and Saurabh resident of Shyamnagar all in connivance injured me. And these persons have attacked me 3-4 days back who injured me after stopping me they have threatened to kill me and strict action be taken against them and me and my family may be safeguarded from them as I am from schedule caste community. Sd/- Jai Bhagwan s/o Attar Singh resident of village Bhakli.”

3. Learned counsel for the appellant submits that no offence whatsoever, is made out under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act even on perusal of the allegations as alleged in the present FIR. He further submits that the name of the present appellant is not mentioned in the instant FIR. Infact, his name has been dragged in the instant dispute on a disclosure statement made by the co-accused. He further submits that the matter has now been compromised with the complainant-victim.

4. Mr. Rahul Yadav, Advocate, has caused appearance on

behalf of complainant-respondent No.2, under a validly executed Vakalatnama filed before this Court and has admitted the factum of compromise.

5. Learned State counsel on instructions imparted to him by ASI Surinder Kumar submits that in pursuance of the directions passed by this Court on 14.9.2022, the appellant has joined the investigation and is not required for any further custodial interrogation.

6. In view of the above, the impugned order dated 4.8.2022 is, hereby, set-aside and the instant appeal is **allowed** and the order dated 14.9.2022 is, hereby, made absolute. The appellant shall keep on joining the investigation, as and when called for and shall also abide by the conditions specified under Section 438(2) of the Cr.P.C.

7. However, the State/complainant is at liberty to re-access this Court seeking cancellation of bail granted by this Court in case the appellant failed to join the investigation and co-operate with the investigation process.

February 26, 2024
ajay-1

(KULDEEP TIWARI)
JUDGE

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