



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

CRA-S-3088-2024 (O&M)
Date of Decision : 16.10.2024

GULSHAN KUMAR

.....Appellant

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Mohit, Advocate, for the appellant.

Mr. Rajesh Gaur, Addl.A.G., Haryana

Mr. Kuldeep Singh Siwach, Advocate,
for respondent no.2.

KULDEEP TIWARI, J.(Oral)

1. Through the instant appeal, challenge is thrown to the order dated 04.09.2024, passed by the learned Additional Sessions Judge, Fatehabad, whereby second application for grant for regular bail, filed in case FIR no.300, dated 28.06.2024 (Annexue P-1), under Sections 323, 506, 34 of the IPC, and under Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015, and under Sections 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station City Fatehabad, District Fatehabad, has been declined.

2. In asking for the hereinabove relief, learned counsel for the appellant submits that though there are allegations that the appellant gave injuries to the minor child of 14 ½ years of age, however, all the injuries,

are simple in nature. He further submits that the appellant has suffered sufficient incarceration as he is in custody from the last more than 3 months, and the matter is still at the investigation stage, and only a supplementary *challan* has been filed against the present appellant.

3. The prayer (*supra*), as made by learned counsel for the appellant has been opposed by the learned State counsel, assisted by learned counsel for respondent no.2.

4. Today, learned State counsel has filed a detailed status report, dated 15.10.2024, by way of an affidavit of Sh.Jaipal Singh, DSP, HQ, Fatehabad, which is taken on record, with a copy thereof supplied to the counsel opposite.

5. While referring to the contents of the reply, which carries the description of a video clip, learned counsel for the appellant submits that the appellant played a major role for not only causing injuries to the minor child, but also humiliated him. He further draws attention of this Court towards the antecedents of the present appellant, and submits that the appellant is involved in 10 other criminal cases.

6. Before embarking upon the rival submissions made learned counsel for the parties concerned, it is apt to deal with the facts of the instant case.

7. The complainant-Veena (respondent no.2, herein), made a written complaint, which subsequently, was converted into FIR (*supra*), alleging therein, that the present appellant alongwith his son and other persons, had suspicion that the victim was involved in causing damage to the house of the accused (appellant), which led them to cause injuries, not

only that the child was humiliated by making them to lick their feet, he was also made to apologise for his act, and conduct.

8. In the instant matter, the appellant was arrested on 29.06.2024, and no recovery has been effected from the appellant. It is not under dispute that the injuries suffered by the victim are simple in nature.

9. The appeals, as moved by two other co-accused, has already been dismissed, by this Court vide order of even date, therefore, the investigation qua the co-accused is still pending.

10. Though the supplementary *challan* has been filed against the present appellant, but the conclusion of the trial will taken a long time. The appellant has already suffered incarceration of 3 months 16 days as on today, as per the custody certificate.

11. Though as per the reply (*supra*), the appellant is stated to be involved in 10 other cases, however, out of these only one case is pending, and in rest of the case, either he has earned acquittal, or he has been convicted, and has been awarded with minimal sentence.

12. Be that as it may be, considering the fact that the present appellant has suffered incarceration of 03 months and 16 days as on today, and the fact that the *challan* has been presented, and the trial is yet to begin, therefore, conclusion of the trial will take a long time, this Court deems it fit and appropriate to enlarge the appellant on regular bail, during the pendency of trial. Therefore, without commenting upon the

merits and circumstances of the present case, the present appeal is **allowed**, and the impugned order dated 04.09.2024 is, hereby, set aside.

The appellant is ordered to be released on regular bail, on furnishing of his bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

13. However, it is clarified that if in future, the appellant is found indulging in commission of similar offences, as is involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present appeal only.

14. All pending application(s), if any, also stand **disposed** of accordingly.

October 16, 2024

dharamvir

(KULDEEP TIWARI)

JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No