



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

CRA-S-3157-2024

Date of decision: 15.10.2024

Sharvan Kumar

...Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Vikas Bishnoi, Advocate for the appellant.

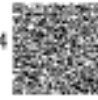
Mr. P.K. Aggarwal, DAG, Haryana.

None on behalf of complainant/respondent No.2.

KARAMJIT SINGH, J. (ORAL)

1. The present appeal has been filed by the appellant/accused against the order dated 05.09.2024 passed by the Court of Additional Sessions Judge, Hisar whereby the bail application filed by the appellant under Section 482 Cr.P.C seeking grant of anticipatory bail in a criminal case having FIR No.298 dated 31.07.20204, under Sections 115, 117(2), 232 (1), 351 (2), 3(5) of BNS and Sections 3(1), (r) (s), 3(2) (va) of SC & ST Act, Police Station Agroha, has been dismissed.

2. The allegations in nutshell are that complainant Deepak got recorded his statement with the police to the effect that on 29.07.2024 at about 02:00 PM, he along with his friend Bhagat Singh was heading towards his home from the bus stand of village Mallapur on a motor cycle No.HR-21-B-6260 which was driven by him and Bhagat Singh was a pillion rider. Suddenly, one red car came at a high speed and hit his motor cycle.



Resultantly, complainant and Bhagat Singh fell on the road and complainant suffered injury on his leg. Present appellant, Sandeep and Vikram alighted from the said car and inflicted injuries to Deepak and Bhagat Singh with iron rods. In the meantime, Channi @ Chander Mohan Godara and two other persons armed with iron rods also came there on motor cycle and hurled casteist remarks against appellant and Bhagat Singh and then the accused persons left the spot.

3. The counsel for the appellant submits that appellant is falsely implicated in the present case. That all the other three co-accused are already declared innocent by the police. It is further submitted that there are no specific allegations with regard to any offence punishable under SC & ST Act against the appellant. It is further submitted that as per allegations offence under Section 325 IPC is made out against the accused persons and the same is bailable offence. It is further argued that appellant is ready to join the investigation with the police.

4. Status report by way of an affidavit of Wazir Singh, Deputy Superintendent of Police, Law and Order, Hisar filed on behalf of the State was taken on record along with documents Annexure R-1 to Annexure R-4.

5. The State counsel submits that the appellant is specifically named in the FIR and as per MLR Annexure R-1, complainant Deepak suffered 13 injuries caused with blunt weapon while his companion Bhagat Singh also sustained number of injuries as are described in medico legal report Annexure R-2. It is further submitted that the accused used abusive language against the caste of the petitioner who belongs to Scheduled Caste.

It is further submitted that the appellant is required by the police to effect



the recovery of weapon used in commission of crime and further for proper investigation.

6. I have considered the submissions made by counsel for the parties.

7. The State counsel has not disputed the fact that other three co-accused are found to be innocent. As per the status report filed on behalf of the State, injuries No.5 and 8 on the person of the complainant were found to be grievous in nature. Further, the appellant is having criminal history being involved in 9 other criminal cases whose detail is given in para No.9 of the aforesaid status report. There are also allegations that at the time of occurrence, castiest remark were given against the appellant. The recovery of weapon used in commission of crime is still to be effected. In the given circumstances, the Court of Additional Sessions Judge, Hisar rightly dismissed the application filed by the appellant seeking grant of anticipatory bail in the present case.

8. No ground is made out to interfere in the matter, at this stage.

9. The present appeal is hereby dismissed. However, it is made clear that any observation made herein above is not to be construed as an expression of opinion on the merits of the case.

15.10.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**