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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(226)

CRA-S-3398-2024

Date of Decision : 02.12.2024

Lakhwinder Singh

...Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Kanwaljeet Singh, Advocate
for the appellant.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. Through the instant appeal, challenge is thrown to the order dated 26.09.2024, whereby the application preferred by the appellant, seeking regular bail, in FIR No.118 dated 22.06.2024, under Sections 147, 149, 323 and 506 of the IPC, and under Sections 3 (1)(a), and 5 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989 (for brevity 'SC/ST Act') [Sections 147, 149 and 506 IPC, and Sections 3 (1)(a) and 5 of SC/ST Act, deleted later on, and Section 307 IPC, and Section 3(2)(v) and 3(1)(s) of SC/ST Act, added later on], registered at Police Station Jakhal, District Fatehabad, has been declined by the learned Additional Sessions Judge, Fatehabad.

2. Notice of motion in the instant appeal was issued on dated 24.10.2024, to the respondent State, as well as private respondent No.2/complainant.

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3. As per the office report, ordinary notice issued to respondent No.2, has been received back with the report duly served. However, despite service, no one has caused appearance on behalf of the respondent No.2.

4. On asking for the relief (supra), learned counsel for the petitioner submits that all the injuries suffered by the complainant are simple in nature. He further submits that the petitioner has suffered incarceration of 05 months, as on today, and no other criminal case is pending or registered against the present petitioner, and he has clean antecedents. In addition, he submits that the dispute arises between the parties concerned, out of an agreement to sell. Finally, he submits that it is a cross-case, as prior to the institution of the FIR (supra), the wife of the brother of the present appellant has got registered FIR No.117 dated 21.06.2024, under Sections 147, 149, 323, 447 and 506 of the IPC, 1860, at Police Station Jakhal, District Fatehabad.

5. On the other hand, learned State counsel has strongly opposed the asked for relief and submits that the petitioner tried to run over the tractor upon three persons, which caused injuries to them. Therefore, it is a clear-cut case of Section 326 of the IPC, 1860. Further, he submits that all the allegations, as alleged in the FIR (supra), also attracts the provisions of SC/ST Act, therefore, the petitioner is not entitled for the asked for relief.

6. Furthermore, learned State counsel, on instructions imparted to him from the quarter concerned, submits that the challan stands presented on dated 28.08.2024, and charges are yet to be framed. The prosecution has cited total 26 witnesses in the final report.

7. Learned State counsel has also placed on record the custody certificate dated 01.12.2024, qua the petitioner, today in the Court. The same



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8. This Court has considered the rival submissions, as made by the learned counsel for the parties concerned, and is of the considered view that the instant petition is amenable to be allowed.

9. It is not in dispute that all the injuries suffered by all three persons were simple in nature. The petitioner has suffered incarceration of 05 months, as on date, and no prosecution witness has been examined till date, whereas, the prosecution has cited as many as total 26 persons, as witnesses.

10. Without observing anything on the merits of the case, and considering the fact that the petitioner has clean antecedents, this Court deems it appropriate to grant the relief of regular bail to the petitioner. Accordingly, the instant appeal is **allowed**, and the impugned order dated 26.09.2024, is hereby **set aside**.

11. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate, concerned.

12. However, anything observed hereinabove shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

December 02, 2024
Manpreet

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