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

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CRA-S-3218-2023 (O&M)
Date of decision: 31.07.2024

Kuldeep Singh**...Appellant****Versus****State of Punjab and another****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. R. S. Sidhu, Advocate
for the appellant.

Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The present appeal has been preferred against the order dated 17.10.2023, passed by the Additional Sessions Judge, Sangrur, whereby the regular bail application filed by the appellant, in case FIR No.99 dated 11.09.2023 under Sections 458, 323, 427, 341, 506, 148, 149 of IPC (Section 201 of IPC added later on) and Section 3 (1)(X), 3(1)(R)(S) and 3(2) (V)(VA) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (*for short 'the SC/ST Act'*) at Police Station Longowal, has been dismissed.

2. Brief facts of the case relevant for the purpose of disposal of this appeal are that the aforementioned FIR had been registered on 11.09.2023 on the basis of the statement recorded by the complainant Gurbikar Singh alleging therein that he was sleeping in his house at about 11.00 p.m. on 10.09.2023. He heard some noise in the house of his paternal Surjit Singh. It is

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further alleged that Amardeep Singh son of Kuldeep Singh and 10/15 unidentified persons had conspired in the house of the appellant and they all came outside the house of his uncle. They were armed with sticks and rods and they were also accompanied by 10/15 unidentified persons. They gave blows with their sticks and rods at the outer gate of the house of his uncle and they entered into the house by breaking the gate. They gave slaps and fist blows to the daughter and daughter-in-law of his uncle and also used derogatory words by saying that "sale chure chamaro". One of the blows with rod struck little below the left eye of complainant. Manpreet Singh gave blow with stick at the left jaw of complainant. Then Jagtar Singh, Onkar Singh and Kuldeep Singh also gave blows with sticks on the person of complainant. On raising alarm by the complainant, the assailants fled away from the spot with their respective weapons. After registration of the FIR, investigation proceedings were initiated. The appellant was arrested on 11.09.2023. After completion of necessary investigation and usual formalities, challan under Section 173 of Cr.P.C. was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforesaid mentioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 17.10.2023.

3. It is submitted in the grounds of appeal and learned counsel for the appellant has argued that the impugned order is not sustainable in the eyes of law and is liable to be set aside as the appellant was in custody since 11.09.2023 before having been granted concession of interim bail by this Court on 22.11.2023. In fact, the complainant had caused multiple grievous

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injuries to the minor son of the appellant, vide MLR dated 11.09.2023 (Annexure P-2) but no action was taken against the complainant. Investigation has since been completed and *challan* has been presented before the trial Court. The trial is likely to take a long time. No useful purpose would be served by sending the appellant in custody again. Therefore, it is argued by learned counsel for the appellant that the impugned order is liable to be set aside; the appeal deserves to be accepted and the appellant deserves to be given benefit of regular bail.

4. *Per contra*, learned State counsel has argued that the appellant has been chargesheeted for commission of serious offences, therefore, the appeal is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The appellant along with co-accused is alleged to have trespassed into the house of the complainant's uncle and is further alleged to have caused injuries to the complainant as well as to his uncle. He is also alleged to have used caste related derogatory words against the complainant party. The appellant was arrested on the same day. The appellant has placed on record a copy of MLR as Annexure P-2 to show that in fact the complainant had caused multiple grievous injury on the person of his minor son but no cross case was registered against. Hence, it will be a matter of trial, as to which party was the aggressor party. So far as the allegations regarding using caste related derogatory words against the complainant are concerned, a perusal of the contents of the FIR shows that it lacks specificity as only a general

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allegation has been levelled that the accused persons used caste related words and no specific attribution, in this regard, has been made to the appellant. The investigation has since been completed and challan has been presented before the Court. Conclusion of trial is obviously to take time. The appellant was granted concession of interim bail on 22.11.2023 and during interregnum, there is no complaint that he has misused the same in any manner. Keeping in view the above discussion, I am of the considered opinion that no useful purpose would be served by sending the appellant into custody again.

7. Accordingly, the present appeal is allowed. The impugned order is set aside. The interim bail, granted to the appellant, vide order dated 22.11.2023, is confirmed and converted into regular bail, pending trial.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present appeal and the same shall have no bearing on the merits of the case.

31.07.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes