



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(222) CRA-S-3505-2024(O&M)
DATE OF DECISION:10.12.2024

Samarjeet Singh @ SamriAppellant

VERSUS

State of Haryana and anotherRespondents

CORAM HON'BLE MR.JUSTICE KULDEEP TIWARI

Present Mr.Baldev Singh Dhillon, Advocate,
for the appellant.

Mr. Bhupinder Singh, DAG, Haryana.

Mr. Vikas Chaudhary, Advocate,
for respondent-complainant.

KULDEEP TIWARI, J (ORAL)

1. The statutory appeal has been directed against the order dated 15.10.2024, whereby, second application for grant of regular bail was dismissed by learned Additional Sessions Judge, Kurukshetra concerned.
2. The appellant was arrested in the instant case on 22.08.2024 in case FIR No.114 dated 14.07.2024, under Sections 148, 149, 323 and 506 IPC along with Section 3(1)(r), 3(1)(s), 3(2)(va) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Jhansa. Till then he is behind the bars. The instant case was registered on a complaint made by one Satnam Singh, the relevant extract which are culled out while declining the regular bail application of the appellant are extracted hereinafter:-

*“He is resident of Village Ajrana Kalan, Tehsil
Thanesar, District Kurukshetra and belongs to Sainsi caste and
presently he is residing at Station Majri, Shahabad. That he has
contacted second marriage with a widow lady of his village,*



who belongs to Chamar Caste and complainant is residing in Shahabad along with his wife and children and he usually comes to Village along with his wife Mamta and children. On 21.06.2024 the son of complainant namely Anmol had gone to the Govt. Depot in the village to collect his ration on the ration card and when he was going towards the house of his grandfather with the ration, the accused Yogesh was standing in the street and as soon as he saw Anmol then he said that what do you come to the village to get now and your father has fled from the village out of fear and also said that he shall kill his father upon which the son of complainant asked him as to why he is saying so and what harm his father has done to you. That the accused used casteist words to his son by stating that 'Tu Chamar Ded Nich' and gave him two-three slap blows and also hit his son on the head with an iron rod and called the name of the complainant and said that 'Tera Baap Sainsi Gaon Mein Aakar to Dikhaye', the villagers and his family will kill him. The accused gave beatings to the son of the complainant and he saved his life by running from the spot and disclosed the incident to the complainant. An application in this regard was moved before Police Station, Jhansa against Yogesh. On 22.06.2024, when the son of the complainant namely Anmol was playing alone, then again said Yogesh gave beatings to his son. The complainant got his son medically examined from PHC, Barna. When the accused persons came to know about giving of complaint against Yogesh, then when the complainant was going to Shahabad, the accused persons attacked upon him and his son namely Anmol. Accused No.1 and 4 were having iron rods, whereas accused No.1, 3, 5 to 9 were having danda, pipe and lathie in their hands. The accused persons caused injuries to the complainant, abused him and threatened him that if he comes to the village again, he shall be killed. They used casteist remarks against the complainant and threatened that if he does not withdraw his complaint, he shall be killed. “

3. Learned counsel for the appellant in asking for the relief of regular bail submitted that appellant is a man of clean antecedents and has suffered incarceration of more than three months as on today. He further submitted that



the injuries which alleged to have been suffered by the complainant are simple in nature. While continuing his argument, he submitted that it is a case of version and cross version, whereas, on the complaint of the present appellant, no action has been taken despite the appellant/accused got medically examined from PHC Barna. He further submitted that this case is outcome of a village politics.

4. Learned counsel for the State, on the other hand, opposed the grant of regular bail to the appellant. He also placed on record the custody certificate, qua the petitioner today in Court, which is taken on record. The custody certificate (*supra*) reflects that the appellant has suffered incarceration of three months and sixteen days as on today.

5. Learned counsel for the complainant also opposed the grant of regular bail to the appellant, and submits, that because of the act of the appellant, the complainant is unable to settle in his village, and he has to shift his abode to nearby city. He further submitted that in view of the invocation of the SC & ST Act, the appellant is not entitled to be released on regular bail. He also made request for adjournment on account to facilitate the complainant to get his statement recorded before the trial Court.

6. Be that as it may be, considering the fact that the injuries suffered by the complainant are simple in nature, and appellant suffered incarceration of about three months and sixteen days as on date, and despite the final report filed way-back on 10.10.2024, the charges are yet not been framed, and prosecution has cited thirteen witnesses. The prayer made by learned counsel for the complainant for adjournment is only recorded for the purpose of rejection as till date charges have not been framed, therefore, on the next date of hearing, statement of the complainant cannot be recorded.



7. In view of the above, the instant appeal is **allowed**. The impugned order is set aside and the appellant is directed to be released on bail to the satisfaction of learned CJM/Duty Magistrate, concerned.

10.12.2024
mamta

(KULDEEP TIWARI)
JUDGE

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