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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-S-3550-2024 (O&M)
Date of Decision:- 11.11.2024

SUNIL ALIAS SONU

....Appellant(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Anmol Jindal, Advocate for the appellant.
Mr. Surender Singh, A.A.G. Haryana.
Mr. Yaseen Sethi, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

1. Reply on behalf of the State has not been filed, however, learned State counsel submits that he has received the *pairvi* report in this matter.
2. Arguments heard.
3. The present appeal has been preferred against the order dated 21.10.2024 passed by learned Additional Sessions Judge, Jind, whereby the bail application of the appellant had been dismissed in the following case:-

FIR No.	Dated	Sections	Police Station
99	04.03.2024	323, 325, 307, 341, 506 and 34 IPC; 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989	Jind City, District Jind



4. It is, *inter alia*, contended by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submits that there is no attribution to the appellant nor he is named in the FIR. He contends that no specific overt act is attributed to the appellant and he is in custody since 13.08.2024. He further submits that challan has been presented in Court and charges stand framed. He contends that there is no other case registered against the appellant. Hence, prayed for setting aside the impugned order and grant of bail to the appellant.

5. *Per contra*, learned State counsel on the basis of *pairvi* report has submitted that after the completion of investigation, challan has been presented on 07.10.2024. He submits that the appellant has been nominated in the supplementary statement of the complainant. He has, however, not disputed the fact that no specific overt act is attributed to the appellant.

6. Learned counsel appearing on behalf of the complainant while referring to the affidavit given by the complainant (Annexure A-2) has submitted that the matter has been settled between the parties and the complainant has no objection in case bail is granted to the appellant

7. After considering the rival contentions and perusing the record, it transpires that the appellant was not named in the FIR and his name surfaced in the supplementary statement of the complainant. However, no specific overt act is attributed to the appellant in the alleged occurrence. Moreover, the complainant has given his affidavit (Annexure A-2) to the effect that compromise has been effected between them and he has no objection to grant of bail to the appellant. In these circumstances, no purpose



would be served by detaining the appellant any longer.

8. Consequently, without commenting on the merits of the case, the present appeal is allowed. The order dated 21.10.2024 passed by learned Additional Sessions Judge, Jind is set aside and the appellant is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

11.11.2024
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |