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**.IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

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CRA-S No.3610 of 2024
Date of decision: 13.11.2024

Kuldeep Sharma ... Appellant

Vs.

State of Haryana and another ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Kamal Kant, Advocate,
for the appellant.

Ms. Nidhi Garg, AAG, Haryana,
for the respondent-State.

Mr. Vivek Suri, Advocate,
for respondent No.2.

MANISHA BATRA, J. (Oral)

1. The present appeal has been filed by the appellant under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (*for short 'the SC/ST Act'*) challenging the order dated 03.10.2024 passed by the Court of learned Additional Sessions Judge, Karnal in case arising out of FIR No.159 dated 29.05.2024 registered under Sections 3 (1) (s) and 3 (1) (t) of SC/ST Act and Section 201 of IPC at Police Station Munak, Karnal, District Karnal, whereby an

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application for grant of regular bail as filed by the appellant had been dismissed.

2. Brief facts relevant for the purpose of disposal of this appeal are that the aforementioned FIR had been registered on the basis of a complaint lodged by the complainant who is a member of Scheduled Caste community alleging therein that some land which is situated in Village Bal Rangdan, District Karnal has been allotted to his community for repository of leather. Statue of Shri Baba Saheb Ambedkar Ji had been installed in this land by his community. On 23.04.2024, the appellant defaced the abovesaid statue and also took away spectacles from it. He had clicked a video of the appellant while he was present near the statue. He reported the matter to the police on 24.04.2024 but no action was taken. The appellant called on the phone of one Rajesh Kumar member of community of the complainant and proclaimed that they would dig a pond over the abovesaid land and also passed other objectionable remarks qua his community. The said conversation was recorded by Rajesh Kumar and was converted in a pendrive that was handed over to the police. While alleging that the appellant had hurt the sentiments of members of scheduled caste community, prayer was made for taking action. On this complaint, a case under Sections 3 (1) (s) and 3 (1) (t) of SC/ST Act and Section 201 of IPC was registered. Investigation proceedings were initiated. During investigation, the appellant was arrested on 23.08.2024. Investigation has since been completed.

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3. The appellant moved an application for grant of regular bail which was dismissed by the Court of learned Additional Sessions Judge, Karnal vide order dated 03.10.2024.

4. It is argued by learned counsel for the appellant that the impugned order dated 03.10.2024 is not sustainable in the eyes of law as while passing the same, the learned trial Court ignored the fact that the appellant is in custody for a period of more than one and half months. Investigation has been completed. Challan has been presented. The custodial interrogation of the appellant is not required. No purpose would be served by keeping him in custody any more. Therefore, it is argued that the impugned order is liable to be set aside and the appeal deserves to be accepted.

5. Learned State counsel has advance notice of the appeal. Power of attorney on behalf of respondent No.2 has also been filed. Learned State counsel assisted by learned counsel for respondent No.2 has vehemently argued that there are serious allegations against the appellant. There are chances of his intimidating the witnesses or committing similar offences, if extended benefit of bail. It is argued that the order passed by the learned Additional Sessions Judge was well reasoned and, therefore, it is urged that the appeal does not deserve to be allowed and the appellant does not deserve to be given benefit of bail.

6. I have heard learned counsel for the parties at considerable length and have gone through the record.

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7. The appellant is alleged to have defaced the statue of Shri Baba Saheb Ambedkar Ji and to have removed the spectacle from the face of the statue thereby hurting the sentiments of members of scheduled caste community of which the complainant is a part. He is in custody since 23.08.2024. Investigation stands completed. Challan has been presented. Trial is likely to take time. No useful purpose is going to be served by keeping the appellant in custody any more. Keeping in view the discussion made above, this Court is of the opinion that the appellant deserves to be released on bail. Accordingly, the impugned order dated 03.10.2024 is set aside, the appeal is allowed and the appellant is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

13.11.2024

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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No