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

**CRA-S-3823-2024 (O&M)
Date of Decision: 16.12.2024**

RISHIPAL AND ANOTHER

.. Appellants

Vs.

STATE OF HARYANA AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Parminder Singh, Advocate for the appellants.

Ms. Priyanka Sadar, AAG, Haryana.

**Mr. Raghav Bali, Advocate for
Mr. Pankaj Bali, Advocate for respondent No.2.**

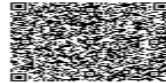
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SUMEET GOEL, J. (Oral)

1. Present appeal has been filed under Section 14-A of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 for grant of regular bail to the appellants in case bearing FIR No.588 dated 23.09.2024, registered for the offences punishable under Sections 148, 149, 323, 354-B, 447, 511, 506 and 201 of IPC and Section 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 at Police Station Indri, District Karnal.

2. The case set up in the FIR in question (as set out by the appellants in the present appeal) is as follows:-

“To the Superintendent of Police, Karnal. Application against Rishipal, Prem, Palli s/o Ram Kishan, Mahender s/o Ajmer, Mohan Lal s/o Palli, Pardeep @ Sethi s/o Rishipal, Banti s/o Prem, in connivance with each other along with Sarpanch Balinder keeping caste related grudge and in respect of illegal possession of land of the applicant and their family members, in respect of attempt to take possession and for removal of the possession after demarcation and for committing assault upon the application and others causing grievous injuries, committing misbehave with the daughter-in-law of the applicant and torn her clothes and using



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caste hated words Ded, Kamin, Chamar and giving threats to kill and for lodging of the FIR and initiating legal proceedings. Sir, I Lalmati w/o Jagdish am resident of Village Bura Chandraon District Indri, Karnal submits as under: 1. That I am beig law abiding woman belong to Chamar Casdte whereas the above said accused belong to general category and they were having knowledge of our caste 2. The above accused persons have illegally encroached over the immoveable property from last many years and the Panchayat mistakenly constructed a Gali on our land but the Gram Panchayat while accepted its mistake had passed the resolution that there is no objection to the removal of the said Gali. Copy of the resolution is enclosed. 3. That when the applicant got demarcation of their land, then in the demarcation report it was found that the accused persons have illegally encroached over the 10-12' land and we in this respect requested the accused persons to get it vacated but they have postponed the matter by saying that they will get vacate the possession of above said land soon and deliver the land to us. 4. Thereafter on 20.5.2024, when I and my family members had started removing the wrong Gali constructed by the Gram Panchayat on our land, then the above said accused Rishi Pal, Prem, Palli s/o Ram Kishan, Mohinder s/o Ajmer, Mohan Lal s/o Palli, Pardeep @ Sethi s/o Rishipal, Banti s/o prem Kumar on the spot and they were armed with Dandas and sharp weaons. Rishipal raised Lalkara that today we tech lesson to Ded. kamin, Gittle. Chamar for taking possession while giving threat to kill. After hearing lalkara, Pardeep gave Binda blow with intention to kill on my head, when I raised my left hand to rescue, then Binda blow hit on my left arm due to which my left arm got fractured and accused Rishipal and Prem while felling me down given injuries on my stomach, back, chest with Lathi and Dandas. When my daughter in law Pooja tried to save me, then Pardeep torn her cloths and insulted her in the Society. Banti and Mohan Lal has given injuries to my daughter-in-law and accused Palli has given injuries on the chest of my Devar Mahabir with Lathi and Mohinder had given fit blow. When I raised ue and cry, some persons upon hearing noise came on the spot and they have saved us, otherwise the accused would have kill us. While accused going from there, threatened that today we have saved and if again see us, they will kill us and will uproot us from the village.”

3. Learned counsel for the appellants has argued that the appellants are in custody since 16.10.2024. Learned counsel for the appellants has submitted that the genesis of the FIR in question is actually a civil dispute pertaining to a *gali* (lane) for which civil litigation is also pending between the parties. Learned counsel for the appellants has further argued that the interim injunction has already been accorded in favour of the appellants-side by the Civil Court & the FIR in question has been got registered so as to exert pressure upon the appellants-side to enter into a mutual settlement favourable to the complainant-side. Learned counsel for the appellants has further submitted that the case in hand, at best, is one of

fight and, therefore, the offence under Section 3 of the Scheduled Caste and

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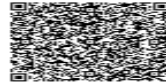
Scheduled Tribe (Prevention of Atrocities) Act, 1989 is not made out against the appellants. Thus, regular bail is prayed for.

4. Learned State counsel, on the other hand, contends that the impugned order has been passed considering the totality of the circumstances of the case. All the grounds raised by the appellants have been considered and dealt with in their proper perspective by the trial Court. Therefore, the appellants are not entitled to the concession as prayed for.

5. Learned counsel for complainant/respondent No.2 has vehemently opposed the grant of regular bail to the appellants by arguing that there are serious and direct allegations made against the appellants. It has been further iterated that in case the appellants are released on regular bail there is all the likelihood that they may interfere with the prosecution evidence as also intimidate the witnesses & hence they ought not to be granted the concession of regular bail.

6. I have heard counsel for the parties and have gone through the available records of the case.

7. The appellants were arrested on 16.10.2024 whereinafter investigation was carried out and challan was presented on 14.12.2024. Total 24 prosecution witnesses have been cited and the charges are yet to be framed in the matter. It is, thus, indubitable that conclusion of the trial will take its own time. The rival contention of the learned counsel for the parties; as to whether the appellants have been falsely implicated into the FIR in question; the effect of the civil suit/civil litigation pending adjudication between the parties & the effect of interim injunction having been accorded by Civil Court in respect thereof; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival

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contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the appellants absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 27.11.2024 filed by learned State counsel, the appellant has suffered incarceration for more than 01 month and 12 days & is not shown to be involved in any other case. Suffice to say further detention of the appellants as an undertrial is not warranted in the facts and circumstances of the present case.

8. In view of totality of factual matrix of the present case, the instant appeal is allowed. Appellants are ordered to be released on regular bail on their furnishing bail/local surety bonds to the satisfaction of the concerned learned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned learned CJM/Duty Magistrate, the appellants shall remain bound by the following conditions:-

- (i) The appellants shall not mis-use the liberty granted.
- (ii) The appellants shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The appellants shall not absent themselves on any date before the trial.
- (iv) The appellants shall not commit any offence while on bail.
- (v) The appellants shall deposit their passport, if any, with the trial Court.
- (vi) The appellants shall give their cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change their cell-phone number

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without prior permission of the trial Court/Illaq
Magistrate.

(vii) The appellants shall not in any manner try to delay
the trial.

9. In case of breach of any of the aforesaid conditions and those
which may be imposed by concerned CJM/Duty Magistrate as directed
hereinabove or upon showing any other sufficient cause, the
State/complainant shall be at liberty to move cancellation of bail of the
appellant.

10. Ordered accordingly.

11. Nothing said hereinabove shall be construed as an expression of
opinion on the merits of the case.

12. Since the main case has been decided, pending miscellaneous
application, if any, shall also stands disposed off.

16.12.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No