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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-S-3947-2024(O&M)
Date of decision: 19.12.2024

RAHUL
.....Appellant.

Versus

STATE OF HARYANA AND ANR
....Respondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Mohan Singla, Advocate, for the appellant.
Mr. Surender Singh, AAG, Haryana..
Mr. Gaurav Jain, Advocate for respondent No.2.

SANJIV BERRY, J. (ORAL)

Learned counsel for the State has filed reply by way of affidavit dated 18.12.2024 of Deputy Superintendent of Police, Tohana, Fatehabad, the same is taken on record, copy thereof, has been supplied to the counsel opposites.

2. The instant appeal has been preferred against the impugned order dated 19.11.2024, passed by learned Additional Sessions Judge Fatehabad, whereby the application of the appellant for grant of regular bail was dismissed in case as under:-

FIR No.	Dated	Sections	Police Station
205	02.11.2024	190/191(2)/351(2) of BNS and Section 3(1)(s) of the SC & ST Act, 1989	Jakhal, District Fatehabad



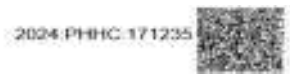
3. It has been *inter alia* contended by learned counsel for the appellant that the appellant aged 19 years old has been falsely implicated in this case and having no criminal antecedents, arrested on 04.11.2024, since then he is in custody. He contends that appellant had not uttered any caste remarks against the complainant and has been falsely implicated in this case. He contends that even no specific overt has been attributed to the appellant. The matter is still under investigation and it will take sufficient long time for disposal of trial. He contends that appellant moved an application for grant of regular bail, which has been declined by learned Additional Sessions Judge, Fatehabad vide impugned order dated 19.11.2024, without appreciating the facts and circumstances in the correct perspective. Hence, he prays for grant of bail by way of the acceptance of the present appeal.

4. *Per contra*, learned State Counsel assisted by Shamsher Singh, Deputy Superintendent of Police, Tohana, Fatehabad, Investigating Officer of the case, referring to the reply submitted by the State, has opposed the appeal by arguing that the appellant along with other co-accused had been creating ruckus in the street by cracking potash bomb in the night and when the complainant objected to the same, they abused him with casteist remarks. They contend that appellant had actively participated in the occurrence and the impugned order has been passed by learned Additional Sessions Judge, Fatehabad correctly, hence prayed to dismissal of the petition.



5. After considering the rival contentions and perusing the record, it transpires that appellant is 19 years old, having no criminal antecedents, was arrested on 04.11.2024, since then he is in custody. The allegations qua him that he along with other co-accused had given casteist remarks against the complainant. It is stated by the Investigation Officer of the case present in Court that CCTV footage of the occurrence has already been taken into possession and on query by the Court he admitted that no specific overt act has been attributed to the appellant. Admittedly, no injury has been caused in the occurrence to the complainant. The matter is still under investigation and completion of investigation and then consequent conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the appellant. In these circumstances, no purpose would be served by detaining the appellant in custody any longer.

6. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by keeping appellant behind bars. Therefore, instant appeal, is hereby allowed. The impugned order dated 19.11.2024 passed by learned Additional Sessions Judge, Fatehabad is set aside. The appellant is ordered to be released on bail, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court 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.



7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
8. Pending application(s), if any, stands disposed of.

19.12.2024
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(SANJIV BERRY)
JUDGE

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