

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH  
CRA-S-3858-2023 (O&M)  
Date of decision:-25.04.2024

(1)  
**Parveen @ Binda**  
.....Appellant(s)  
Versus  
State of Haryana and another  
.....Respondent(s)

CRA-S-3866-2023 (O&M)  
(2)  
**Sunil @ Sonu**  
.....Appellant(s)  
Versus  
State of Haryana and another  
.....Respondent(s)

CRA-S-1122-2024 (O&M)  
(3)  
**Sonu @ Chotiwalla**  
.....Appellant(s)  
Versus  
State of Haryana and another  
.....Respondent(s)

**CORAM: HON’BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Vikas Saroha, Advocate for the appellant(s)  
in CRA-S-1122-2024.  
  
Mr. G.S. Sandhu, Advocate for the appellant(s)  
in CRA-S-3858-2023 and 3866-2023.  
  
Mr. Gaurav Jindal, Addl. A.G. Haryana.  
  
Mr. Sumit Advocate for respondent No.2.

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**JASGURPREET SINGH PURI, J. (Oral)**

1. All the three appeals are taken up together for final disposal  
with the consent of learned counsel for the parties since all the three

appeals arise out of the same FIR and the prayer in all the three cases is for the grant of regular bail.

2. All the three appeals have been filed under Section 14-A (2) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amended in 2018) for the grant of regular bail to the appellants in FIR No.130 dated 27.08.2023 under Sections 148/149/323/325/342/365/367/379/506 IPC and under Section 3 (1) (a), 3 (1) (c) 3 (1) (e), 3 (1) (r), 3 (1) (s), 3(2) (va) of SC and ST (Prevention of Atrocities), Act 1989, registered at Police Station Titram, District Kaithal, Haryana and for setting aside the impugned orders dated 18.11.2023 passed in CRA-S-3858-2023, 06.11.2023 passed in CRA-S-3866-2023 and 11.03.2024 passed in CRA-S-1122-2024 passed by learned Trial Court, Kaithal whereby the bail applications filed by all the three appellants have been dismissed.

3. All the learned counsels for the appellants appearing in all the three cases have stated that it is a case where as per the allegations mentioned in the FIR, the complainant was taken away by some other co-accused persons which did not include the appellants in the present cases and they had not only beaten the complainant but also threatened him and thereafter used offending words under the SC and ST Act. Learned counsels further submitted that it was after the aforesaid incident and even as per the FIR the present three appellants were shown to have come on the spot and who also thereafter took him away but there is no specific role attributed to the appellants and therefore on the face of it no offence was committed by all the present appellants.

4. Learned counsels further submitted that so far as the present three appeals are concerned, the matter has since been compromised

between the parties and a separate petition has also been filed for quashing of the present FIR based upon the compromise. They further submitted that all the appellants were granted interim bail by this Court and today they all are present in Court.

5. All the learned counsels for the appellants in their respective appeals stated that they have identified the respective appellants.

6. Learned counsel for the complainant submitted that he has specific instructions to state that the matter has been compromised qua all the accused persons including the present three appellants and a separate petition has been filed for quashing the FIR.

7. Learned State counsel, stated that in view of seriousness of the offence, the appellants do not deserve the concession of regular bail. He further submitted that appellant namely Sonu @ Chotiwalwa is involved in five more criminal cases, appellant namely Parveen @ Binda is involved in six more criminal cases and appellant Sunil @ Sonu is involved in two more criminal cases and therefore has prayed for dismissal of the present appeals.

8. I have heard the learned counsel for the parties.

9. All the three appellants have been granted interim bail by this Court. As per the learned counsels for the appellants, they are present in Court and learned counsel for the appellants have also identified them. Therefore, they are deemed to be in custody so as to consider the prayer for grant of regular bail. A perusal of the FIR would show that initially some of the other co-accused had taken away the complainant at a particular place and wrongful act was committed and even as per the FIR later on the present appellants had come on the spot and taken away the complainant and thereafter there is no alleged offence pertaining to the SC/ST Act. Even

otherwise also as per the learned counsel for the appellants as well as learned counsel for the complainant, the matter has since been compromised between the parties. Therefore, the aforesaid fact would also become a ground for consideration of bail to the appellants. This Court would not go into the permissiveness for quashing of the FIR based upon the compromise in such like cases and would not like to make any observation with regard to the same but only for the purpose of considering the grant of bail, this Court is of the considered view that considering the aforesaid facts and circumstances, all the three appellants deserve the concession of regular bail.

10. In view of the above, all the three appeals are allowed. The impugned orders dated 18.11.2023 passed in CRA-S-3858-2023, 06.11.2023 passed in CRA-S-3866-2023 and 11.03.2024 passed in CRA-S-1122-2024 are hereby set aside qua the present appellants and interim bail granted to the appellants by this Court stands confirmed.

11. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present appeals only.

25.04.2024  
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(JASGURPREET SINGH PURI)  
JUDGE

Whether speaking

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Yes/No

Whether reportable

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Yes/No