



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
229

CRA-S-4050-2024 (O&M)
Date of Decision: 19.12.2024

Manmeet

....Appellant

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Siddhant Jain, Advocate for the appellant.

Mr. Aditya Pal Singla, A.A.G., Haryana.

Mr. Vishal Garg Narwana, Advocate with
Mr. Aman Mittal, Advocate
for respondent No.2.

NIDHI GUPTA, J. (ORAL)

The appellant has preferred the present appeal against the impugned order dated 11.11.2024, passed by the learned Additional Sessions Judge, Special Court, Kaithal, vide which application for grant of regular bail to the appellant in case FIR No. 43 dated 16.08.2024 (Annexure A-1) registered under Sections 323, 406, 498A, 376 and 377 PC and Sections 3(1)(s), 3(1)(r), 3(2)(va) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act, 1989 (for short-‘the SC/ST Act’) at Police Station Women, Kaithal, was dismissed.

On the last date of hearing i.e. 17.12.2024, following order was passed by this Court:-

“The appellant has preferred the present appeal against the impugned order dated 11.11.2024, passed by the learned Additional Sessions Judge, Special



Court, Kaithal, vide which application for grant of regular bail to the appellant in case FIR No. 43 dated 16.08.2024 (Annexure A-1) registered under Sections 323, 406, 498A, 376 and 377 PC and Sections 3(1)(s), 3(1)(r), 3(2)(va) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act, 1989 (for short- 'the SC/ST Act') at Police Station Women, Kaithal, was dismissed.

Learned counsel for the appellant, inter alia, submits that the appellant has utterly falsely been implicated in the present case. The appellant was married to the complainant/respondent No. 2 herein on 16.05.2023. No child was born out of the said wedlock. Since, the inception of marriage, there was a marital discord between the parties. It is submitted that the present FIR (Annexure A-1) is a counterblast to the complaint dated 03.05.2024 (Annexure A-2) moved by the appellant to the SHO, City Police Station, Narnaul, wherein the appellant had enumerated the torture committed upon him by respondent No. 2-complainant. It is submitted that pursuant to the same within 2-3 days, the complainant/respondent No. 2 had moved a complaint dated 08.05.2024, on the basis of which the present FIR (Annexure A-1) was registered on 16.08.2024. Thereafter, the matter was referred for mediation between the parties, however, the same could not be fructified.

Learned counsel submits that the allegations made in the FIR (Annexure A-1) are false and fabricated as, no offence under Section 3 of the SCST Act is made out. It is contended that the fundamental requirement for an offence under the said provision is that the castiest words should be uttered in public view. In the present case, firstly no such incident had taken place. Further, even as per the version in



the FIR, there is no utterance of castiest words by the appellant in public, and the same even if uttered by the appellant, were within the four walls of the house. Even offence under Section 377 IPC is not made out as the appellant is the husband of the complainant.

Further, learned counsel for the appellant refers to the impugned order dated 11.11.2024, passed by the learned trial Court wherein in para 3 thereof, it has been noted that upon investigation the allegations made by the complainant against her sisters-in-law, namely, Eakta and Anjli, were found to be false. Even the allegations made by the complainant/respondent No. 2 against her father-in-law, namely, Ashok that he had committed rape upon the complainant are also found to be false. It is submitted that the above facts show that the present FIR has been lodged by respondent No. 2-complainant on utterly false pretexts and purely with a view to only harass and humiliate the appellant.

Notice of motion.

On the asking of Court, Mr. Aditya Pal Singla, AAG, Haryana, accepts notice on behalf of respondent No. 1-State.

Learned counsel for respondent No. 1-State vehemently opposes the prayer for grant of regular bail to the appellant and submits that serious allegations have made in the FIR against the appellant.

Learned counsel for the State files custody certificate dated 17.12.2024 which is taken on record, as per which the appellant has been in custody as an undertrial for a period of 01 month and 28 days. Perusal of the custody certificate shows that the appellant is not involved in any other case.



At this stage, Mr. Vishal Garg Narwana, Advocate has put in appearance on behalf of respondent No. 2-complainant and files memo of appearance in Court, which is taken on record. Learned counsel undertakes to furnish Vakalatnama in the Registry by tomorrow.

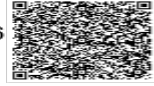
At the request of learned counsel for respondent No. 2-complainant, adjourned to 19.12.2024, for arguments.”

Learned counsel for the appellant reiterates the above submissions as noticed in the above reproduced order dated 17.12.2024.

Vakalatnama filed on behalf of the complainant/respondent No.2 in Court today is taken on record.

Learned counsel for respondent No.2 vehemently opposes the prayer made on behalf of the appellant and submits that in the FIR, at page 19 of the paper book, very serious allegations have been made against the ‘family members’ of the appellant. When learned counsel is asked to limit his submissions to the allegations against the appellant, it is submitted that the complainant/respondent No.2 belongs to Scheduled Caste category, whereas the appellant is a member of the upper caste, being *Brahmin*. It is submitted that bail application of the co-accused /father-in-law is pending for 27.02.2025 before this Court. It is further submitted that dowry articles/jewellery is still to be recovered from the appellant.

At this stage, reference is made to the judgment of Hon’ble Supreme Court passed in *Bimla Tiwari vs. State of Bihar and others*, **Law Finder Doc ID # 2110551**, wherein it is held that “matter of grant



of bail is not akin to money recovery proceedings”, which has been relied upon by a co-ordinate Bench of this Court in its recent judgment dated 12.02.2024, passed in **CRM-M-60647-2023, ‘Varun Sharma vs. State of Punjab and another’**.

Learned counsel for the State, on instructions from DSP Bir Bhan, informs this Court that challan prepared on 18.12.2024 against the appellant, is yet to be presented before the learned trial Court.

Learned counsel for the State files custody certificate dated 17.12.2024, which is taken on record, as per which, the appellant has been in custody as an undertrial for a period of 01 month and 28 days. A copy thereof has been supplied to learned counsel opposite.

Having heard learned counsel for the parties but without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case including the fact that: a) the custody period of 01 month and 28 days undergone by the appellant as an undertrial; b) no other case is pending against the appellant as evident from the custody certificate placed on record; c) challan is yet to be presented in the matter; and d) therefore, the conclusion of trial will take considerable time and no useful purpose would be served by further detention of the appellant. Thus, the present appeal is allowed; and the order dated 11.11.2024 passed by learned Additional Sessions Judge, Special Court, Kaithal is set aside.

The appellant-Manmeet S/o Ashok Kumar, is ordered to be released on regular bail on his furnishing bail/surety bonds to the



satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate,
concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

Pending application, if any, stands disposed of.

19.12.2024

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No