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

**CRA-S-1014-2025
DATE OF DECISION: 02.04.2025**

AYUSH ...APPELLANT

Versus

**STATE OF HARYANA AND ANOTHER
... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Samay Sandhawalia, Advocate for the appellant.

Mr. B.S.Virk, Sr. DAG, Haryana.

Mr. Vinod Bhardwaj, Advocate and
Mr. Nipun Bhardwaj, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. This appeal has been preferred in FIR no. 170 dated 24.09.2024 under Sections 115, 351(2), 117(2), 3(5) of BNS and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989 registered at P.S. Dhand Kaithal, for setting aside the order dated 17.03.2025 vide which the application for grant of anticipatory bail to the appellant has been dismissed.

2. Learned counsel for the appellant urges that the appellant is a juvenile aged about 16 years and has been falsely implicated in the present case on the basis of disclosure statement of main accused as he was even not named in the present FIR. He further submits that the main accused namely Rahul has already been released on regular bail



on 23.01.2025 by the Trial Court. It is his contention that no recovery is to be made from the appellant, moreso, all the major injuries suffered by the victim are solely attributed to the main accused Rahul Kumar and not the present appellant. He has argued that all the offences in the present case are bailable except for the offences under SC/ST act, however a bare perusal of the FIR will show that they are only attributed to Rahul.

3. He has argued that as per the MLR admittedly the injury attributed to the appellant is simple in nature, therefore, prays for grant of anticipatory bail to the appellant.

4. Learned State Counsel on the other hand on instructions submits that the appellant abused the complainant and humiliated him, therefore, does not deserve the concession of anticipatory bail.

5. At the same time, counsel for the complainant would contend that mere causing of violence against member of SC/ST society would invoke the provisions of Section 3(2)(V) of SCST Act, 1989 and very rightly the name of the appellant has been nominated as an accused and he does not deserve the concession of bail. Apart from that he could not add any additional fact as has been argued by learned State Counsel.

6. Be that as it may, having given thoughtful consideration to the facts as discussed above, that the main accused has already been granted concession of bail by the Court and the present appellant is on better footing than the main accused Rahul and this fact has not been disputed by the counsel for the complainant as well.



7. Come what may be factual the aspect whatsoever, which remains undisputed is that the main accused has already been granted concession of bail, the appellant was nominated in the present FIR on the basis of the disclosure statement of main accused and the injury attributed to the appellant is admittedly simple in nature, moreso, he was not carrying any weapon which could be added to say that he was also intending to join the group of accused party with any motive to cause injuries upon the persons of the complainant, this Court does not find any support to arguments raised by counsel for the State and counsel for the complainant.

8. After having heard learned counsel for the parties and specific stand of learned State Counsel, this Court finds no reason to deny the appellant the concession of bail if the appellant has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

9. Hence, in view of the admitted set of circumstances before this Court, the appellant is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The appellant shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, 2023 and are reproduced below :-

When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in

the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.*

10. However, it is made clear that in case the appellant does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

11. The appeal in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

02.04.2025
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>