



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

CRA-S-1299-2025

Reserved on: 13th May, 2025

Pronounced on: 20th May, 2025

Mukesh

...Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

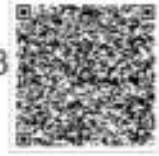
Present: Mr. Vikram Singh, Mr. Randeep Singh, Mr. Ishnoor Singh and
Mr. Nitian Nandal, Advocates for the appellant.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

Mr. Narender Kaajla, Advocate for respondent No.2.

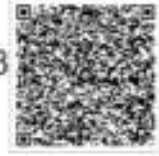
MANISHA BATRA, J :-

The present appeal has been filed under Section 14-A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of atrocity) Act, 1989 (*for short 'the SC/ST Act'*) by the appellant challenging the order dated 02.04.2025 passed by the Court of learned Additional Sessions Judge, Hisar (*hereinafter referred to as 'the trial Court'*), whereby an application filed by him under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case arising out of FIR No. 859, dated 17.10.2024, registered under Sections 190, 191(2), 191(3), 115(2), 117(2), 117(4), 126(2), 324(4), 324(5), 351(3), 61, 109(1) of Bharatiya Nyaya Sanhita, 2023 (*for short 'BNS'*), Sections 25(1-B) of the Arms Act, 1959 and Sections 3(1)



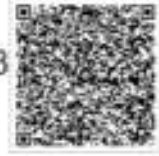
(r), 3(1)(s) and 3(2)(va) of the SC/ST Act at Police Station Sadar, Hisar, had been dismissed.

2. Adumbrated facts as emanating from the record are that on 14.10.2024, the complainant Sunder Singh, accompanied by three persons, was going towards Hisar side in a vehicle when the same was intercepted by two vehicles of Bolero and Creta make respectively. 10-12 youths alighted from the same. They were armed with weapons and with intent to abduct and kill him, they immediately opened an assault upon him. They badly damaged the vehicle, pulled him out of the same, tried to abduct him and started assaulting him. One of them was heard proclaiming that the accused Devinder had sent them to kill him and they would eliminate him. They also hurled abuses in the name of his caste. The complainant sustained grievous injuries. On clamour being raised, the assailants fled from the spot. On his complaint, the aforementioned FIR was registered. Investigation proceedings were initiated. During investigation, the present petitioner along with co-accused Rakesh, Rajat, and Saurabh was arrested on 7-11-2024. The cause of grudge was that the house of the complainant was lying mortgaged with accused Devender and when he insisted for redeeming the mortgage by taking back the loan amount, the said accused who wanted to grab his house, hatched a plan to kill him. The investigation has since been completed. Challan has been presented against the appellant and the other accused. The appellant had filed an application for grant of regular bail before the learned Additional Sessions Judge, Hisar, which was dismissed vide order dated 02.04.2025.



3. It is argued by learned counsel for the appellant that he was not named in the FIR and has been falsely implicated in this case. There is delay of about four days in lodging of the FIR, which has not been satisfactorily explained. No specific injury has been attributed to him. No recovery has been effected from him. He is in custody since 07.11.2024. The offence under Section 109(1) of BNS was deleted and it has been added subsequently at the time of presentation of Challan though no case for commission thereof has been made out. The injury which is claimed to have been declared dangerous to life, has not even been attributed to him. The trial would take considerable time. His further incarceration would not serve any useful purpose. With these broad submissions, it is argued that the impugned order is liable to be set aside, the appeal deserves to be accepted and he deserves to be released on bail.

4. Learned Deputy Advocate General, Haryana, assisted by learned counsel for the Complainant, has argued that there are serious allegations against the petitioner as by forming membership of an unlawful assembly with the co-accused and in furtherance of common object thereof, the victim had been intercepted by him and the co-accused, his vehicle was damaged, and multiple injuries were caused to him. He sustained multiple fractures on his arms and legs. The allegations against the appellant are serious in nature. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. The order passed by the appellant trial court does not suffer from any infirmity. Accordingly, it is stressed that the appeal does not deserve to be allowed.



5. Rival contentions raised by learned counsel for the parties have been considered.

6. The appellant is alleged to be a part of conspiracy, allegedly hatched by the accused Devinder with co-accused Rakesh to eliminate the complainant and in pursuance thereof, the present appellant and other accused are alleged to have formed membership of an unlawful assembly and in prosecution of common object of that assembly, they are alleged to have opened an assault upon the complainant and his companions and caused injuries to them. The appellant is in custody since 17.11.2024. The trial has commenced but is likely to take considerable time to conclude. Three other cases have been registered against him and he has criminal antecedents. The co-accused Devinder has however, been extended benefit of bail. The further incarceration of appellant would not going to serve any useful purpose. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the above discussed facts, it is observed that the appellant has made out a case for his release on bail. Accordingly, the appeal is allowed, the impugned order is set aside, and the appellant is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the trial court/CJM concerned.

7. It is made clear that the appellant shall not influence/intimidate or try to meet the victim/complainant and shall also not try to influence or intimidate any other witness of the case during trial. In case of violation of any of these conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders



in accordance with law.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present appeal and the same shall not be construed as an expression of opinion on the merits of the case.

[MANISHA BATRA]
JUDGE

20th May, 2025
Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |