

2025:PHHC:102112



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

**CRA-S-1964-2025
DECIDED ON: 29.07.2025**

AMAN @ MACHHAR

.....APPELLANT

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENT S

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Dr. Pankaj Nanhra, Advocate with
Mr. Paramvir Singh Doon, Advocate for the appellant

Mr. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Arjun Sheoran, Advocate
for the complainant

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

Present appeal has been filed against the impugned order dated 28.05.2025 vide which regular bail to the appellant in case FIR No.78 dated 07.02.2025 registered under Sections 298,299,3(50 of BNS, 2023 (Section 3(1)(T) of SC/ST Act added later on) at Police Station Barwala District Hisar, has been dismissed.

2. Contentions:**On behalf of the Appellant:**

Learned counsel for the submits that the has been falsely implicated in the present case, as his name does not find mention in the FIR lodged by the complainant. It is further contended that the alleged identification of the appellant is solely based on CCTV footage, which is of poor quality and not sufficiently clear to conclusively establish his identity. Learned counsel also submits that the appellant has been in custody since 08.02.2025, and with the investigation now complete, and charges framed, his continued incarceration would serve no fruitful purpose. It is, therefore, prayed that the appellant be released on bail.

On behalf of the State:

Learned State counsel has placed on record the custody certificate of the appellant which is taken on record subject to just exceptions, according to which the appellant has undergone a custody period of only 5 months and 21 days as on date. It is submitted that the appellant is implicated in a case involving serious and sensitive allegations. As per the prosecution, the appellant, along with his co-accused, was captured on CCTV footage while committing an act of vandalism wherein they were seen desecrating a statue of Dr. B.R. Ambedkar by cutting off its hands with an axe.

It is advanced that the act not only constitutes a grave offence under the Bharatiya Nyaya Sanhita, 2023, but also has deep social ramifications as it offends the sentiments of a particular community.

Learned counsel would further contend that the weapon of offence, i.e., the axe used in the commission of the crime, has been recovered pursuant to the disclosure statement made by the appellant during the course of investigation, thereby further corroborating his involvement. In light of the serious nature of the allegations and the ongoing trial, the State opposes the grant of bail to the appellant.

3. Analysis

Be that as it may, the offences involved in the present FIR are of grave and sensitive nature. The alleged act of vandalism committed by the appellant along with the co-accused persons is not merely a criminal act of property damage but an attack on a revered symbol of social justice and emancipation. This court is conscious of the fact that the statue of Dr. B.R. Ambedkar's is emblematic of the struggle against caste discrimination and untouchability. The destruction of such a symbol cannot be viewed in isolation but must be understood within the larger constitutional mandate aimed at eradicating social evils and protecting marginalized communities. Article 17 of the Constitution of India abolishes untouchability in all its forms and manifestations and mandates the State to take affirmative steps for the protection and upliftment of Scheduled Castes and Scheduled Tribes. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred as SC/ST Act), was enacted to give effect to this constitutional promise and to prevent atrocities against these communities. The legislature's intention behind stringent provisions in the SC/ST Act is to deter and punish offences that perpetuate social discrimination and violence.

Moreover, in the case at hand it is clear that the charge-sheet was filed on 07.04.2025, and charges were framed on 10.07.2025. 27 witnesses have been named, and the trial is progressing. There is no indication of undue delay that would justify bail on the ground of preventing oppression or injustice due to slow trial. Furthermore the present appellant was captured on CCTV footage in the act of vandalism, and the weapon used i.e. an axe was recovered pursuant to the appellant's own disclosure statement. These facts establish a prima facie case against the appellant.

It is trite law that bail is the rule and jail the exception. However, the nature and gravity of the offence, and the impact on society, cannot be overlooked. In cases involving offences under the SC/ST Act, courts have consistently held that the protective intent of the statute demands a cautious and stringent approach towards bail. The Supreme Court has emphasized that the provisions of the SC/ST Act must be given a purposive interpretation to uphold the dignity and rights of Scheduled Castes and Tribes.

In addition to that, the court cannot ignore the fact that granting bail in a case involving offences of serious nature especially under the SC/ST Act, especially when the allegations include deliberate and violent acts of desecration of a symbol representing dignity and equality, would undermine the protective purpose of the law. It would send a chilling message that crimes against constitutionally protected groups and constitutional values are to be condoned and thus, court must be vigilant to uphold the constitutional mandate and the rule of law, ensuring that justice is

neither delayed nor denied. In this backdrop, the appellant’s request for regular bail is ought to be rejected.

The prayer for regular bail is accordingly rejected.

(SANDEEP MOUDGIL)
JUDGE

29.07.2025
Meenu

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No