

**CRA-S-2316-2025****-1-****IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****217****CRA-S-2316-2025****Date of decision: 6th August, 2025**

Deepali Jain

...Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. R.S. Rai, Senior Advocate with
Mr. Sukhsharan, Advocate for the appellant.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

Mr. Manav Bajaj, Advocate for respondent No.2.

MANISHA BATRA, J (ORAL):-

The instant appeal has been filed against the order dated 24.07.2025, passed by the Court of learned Additional Sessions Judge Faridabad, in case arising out of FIR No. 134 dated 17.06.2025 registered under Sections 3, 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act') and Section 115(2), 3(5), 351(3) and 79 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Sector-17, District Faridabad, whereby prayer made by the appellant for grant of regular bail had been declined.

2. Brief facts relevant for the purpose of disposal of this appeal are that the aforementioned FIR was registered on the basis of a written complaint submitted by the complainant-Shyam Devi, alleging that she was



working as a housemaid in the house of Tarun Jain and resided there only. On 16.06.2025, she had gone to the market and while she was entering in the house of above-named Tarun Jain, the appellant, who was a resident of first floor of the said house, started hurling abuses to her and insulted her by calling her in the name of her caste. By advising the appellant to not to insult her in the name of her caste, the complainant had come inside and started working. At about 10.30 am, the appellant came to her house and again started hurling abuses to her and insulting her in the name of her caste. When she resisted, the appellant gave fist blows and slaps to her. On hearing rescue alarm raised by her, Saurabh Jain, husband of the appellant also reached there and started instigating his wife. The complainant was rescued with the intervention of Neha Jain and then, the appellant and her husband left after extending threats of life to her. After registration of FIR, investigation proceedings were initiated. The appellant was arrested on 22.07.2025. Investigation is going on. The appellant had filed an application for grant of regular bail, which has been dismissed by the Court of learned Additional sessions Judge, Faridabad vide order dated 24.07.2025.

3. It is argued by learned counsel for the appellant that the impugned order is not sustainable in the eyes of law as while passing the same, the Court of learned Additional Sessions ignored the fact that the ingredients for the commission of offence punishable under Section 3 of the SC/ST Act had not been attracted since there was nothing on record to show that the alleged incident had taken place within public view. The appellant did not utter a single word to insult the complainant in the name of her caste. In fact, the complainant, who was a domestic help of the brother-in-law of



the appellant, had been used as a tool by the former due to having dispute with the family of the appellant and no incident as alleged had even taken place. The appellant is falsely implicated in the pursuance of personal vendetta of her brother-in-law. The remaining offences for which she has been booked are bailable. Her custodial interrogation is not required. Trial would take considerable time to conclude. She has clean antecedents. No purpose would be served by keeping her in custody anymore. While passing the impugned order, the learned Additional Sessions Judge did not take all these points into consideration. It is, therefore, argued that the impugned order is liable to be set aside, the appeal deserves to be accepted and the appellant deserves to be extended benefit of bail.

4. Custody certificates have been placed on record by learned State counsel. It is submitted by learned State counsel that there is no illegality or infirmity in the impugned order and the same is well reasoned. There are serious allegations against the appellant. Therefore, it is urged that the appeal does not deserve to be allowed.

5. Learned counsel for the complainant has, however, raised no serious objection to allowing of the present petition.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The appellant is alleged to have insulted the complainant in the name of her caste while knowing that she belongs to scheduled caste category. She is further alleged to have assaulted her and criminally intimidated her. It is, however, a debatable question as to whether, the ingredients for commission of offences under Sections 351(3) and 79 of

**CRA-S-2316-2025****-4-**

BNS are attracted in this case or not? The appellant is in custody since 22.07.2025. Trial would take time to conclude. By keeping the appellant in custody, no useful purpose is going to be served. It is well settled proposition of law that the bail is the rule and jail is an exception. In view of the above discussed facts, this Court is of the considered opinion that the appeal deserves to be allowed. Hence, the same is allowed, the impugned order is set aside and the appellant is ordered to be released on bail subject to her furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main appeal has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

6th August, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*