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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-S-3468-2024 (O&M)
Date of decision: 21.02.2025

Gurpreet Singh ...Appellant

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Anil Malik, Advocate
for the appellant.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Ashit Malik, Advocate
for the complainant.

MANISHA BATRA, J.

1. 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 21.09.2024 passed by the Court of learned Additional Sessions Judge, Kurukshetra (*hereinafter referred to as 'the trial Court'*), whereby an application filed by him seeking grant of regular bail in case arising out of FIR No. 59 dated 05.04.2024, registered under Sections 148, 149, 323, 326, 452 and 506 of IPC and Section 3(iii)(v) of the SC/ST Act at Police Station Jhansa, District Kurukshetra, had been dismissed.
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

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complaint filed by the complainant Nirmal Singh on the allegations that on 03.04.2024, he received a call on his mobile phone and the caller extended threats and used abusive language against him. Then on 04.04.2024, two vehicles stopped outside his office. Three-four persons alighted from the same and indulged his brother Suresh and himself in conversation. In the meanwhile, ten-twelve persons also entered inside and at once opened assault upon the complainant and his brother. All of them were armed with weapons. They were also using abusive language. One of them had been making exhortation to kill the complainant and his brother and then to leave the place. On hearing clamour, his uncle Roshan Lal reached there and tried to intervene but the assailants opened an assault upon his uncle, his brother and complainant himself by striking blows with weapons, which they were carrying. The complainant sustained head injuries, whereas his brother Suresh sustained injuries on his eye and face. All of them were badly injured. Thereafter, the assailant fled away while removing a sum of Rs. 1,60,000/-, kept in the office of the complainant and by extending threats to kill them. The complainant also informed that the assailants were caught in the CCTV footage of the camera installed in the premises. Initially, a case under Sections 148, 149, 323, 452 and 506 of IPC. During investigation, offences under Section 326 of IPC and Section 3(iii)(v) of the SC/ST Act were added. The appellant was arrested on 15.07.2024. Co-accused were also arrested. The appellant had moved an application seeking grant of regular bail but the same had been dismissed by the trial Court, vide impugned order dated 21.09.2024.

3. The present appeal has been filed by the appellant on the

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grounds and it has been argued by his counsel that the impugned order dated 21.09.2024, whereby the application filed by the appellant seeking regular bail had been dismissed by the trial Court, is liable to be set aside as while passing the same, the trial Court ignored the fact he was falsely implicated in this case. He is in custody since 15.07.2024. No case for commission of offence punishable under Section 3(iii)(v) of the SC/ST Act and Section 452 of IPC has been made out against him. There are general allegations against the appellant and co-accused. No specific act and injury has been attributed to him. Trial is likely to take time. His further detention would not serve any useful purpose. With these broad submissions, it is urged that the impugned order is liable to be set aside, the appeal deserves to be accepted and the appellant deserves to be given benefit of regular bail.

4. Respondent-State has filed written response to the pleas as taken by the appellant in the appeal. Learned Assistant Advocate General, Haryana, assisted by learned counsel for the complainant, who has filed power of attorney today itself, has submitted that the allegations against the appellant are quite serious in nature. He had formed membership of an unlawful assembly and had voluntarily caused simple as well as grievous injuries to the complainant, his brother Suresh and uncle Roshan Lal after criminally trespassing into his office and had also intimidated them. Victim Suresh has lost vision of his eye, due to the impact of the injuries sustained at the hands of the appellant and co-accused. The victims and material witnesses are yet to be examined. There are chances of the appellant's absconding or intimidating the witnesses. Hence, it is urged that the present appeal is liable to be dismissed.

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5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record carefully.

6. The appellant is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of a common object of that unlawful assembly had assaulted victim Suresh, complainant and their uncle Roshan Lal on the fateful day. As per the allegations, the appellant along with co-accused Suraj Rana and Ankit had thrown stones towards victim Suresh and one of such stones had caused injury in the eye of Suresh. As per opinion given by the Medical Officer as to the nature of the injury sustained by Suresh, it was grievous in nature and had resulted in loss of vision of his left eye. As per report submitted by the respondent-State, the presence of the appellant at the place of occurrence and his participation therein stands established from the photographs taken from the CCTV footage of the camera installed in the office of the complainant. The allegations against the appellant are serious in nature. The act committed by the appellant in prosecution of common object of the unlawful assembly being formed with the co-accused *prima facie* makes him vicariously liable for causing grievous injury to victim Suresh as well, irrespective of the fact that the same had been specifically attributed to him or not. The other victims had also sustained various injuries. Keeping in view the nature of allegations as levelled against the appellant, the part attributed to him, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that there is no infirmity or illegality in the impugned order and the appellant does not deserve to be released on bail, at this stage. Hence, the appeal is dismissed.

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7. 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.

21.02.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

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