

CRA-S No.3548-2024

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2025.PHHC.010527



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219+106

CRA-S No.3548-2024 (O&M)
Date of Decision: 23.01.2025

Chanan Singh @ Chaan

..... Appellant

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Akash Manocha, Advocate and
Ms. Lishika Mehta, Advocate for the appellant.

Mr. Ashok Singh Chaudhry, Addl.A.G, Haryana.

Ms. Nisha Rana, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

CRM-2233-2025

Second application under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), for placing on record additional documents i.e A-15 to A-21.

For the reasons mentioned in the application, same is allowed as prayed for, subject to all just exceptions. Additional documents (A-15 to A-21) are taken on record.

Registry to tag the same at appropriate place.

Main Case

Present appeal has been filed for setting aside of order dated 01.10.2024 (A-1), passed by learned Additional Sessions Judge, Fatehabad, whereby, application under Section 439 of Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') for grant of bail pending trial to the appellant in



FIR No.197 dated 21.04.2020, under Sections 307, 120-B, 323, of Indian Penal Code, 1860 (for short, 'IPC') [Section 302, 212 of IPC & Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities), Act, 1989 (for short, 'the SC&ST Act') added later on and Section 307 IPC deleted], registered at Police Station City, District Fatehabad, was dismissed.

2. Allegations are that appellant in criminal conspiracy with co-accused caused injuries on the person of deceased-Kulwant Singh (father of *de facto* complainant-Palwinder Singh being member of Scheduled caste by hitting his scooty with tractor bearing No.HR-22G-3509 and he succumbed to injuries received in this incident.

3. Contends that appellant is not named in the FIR; rather nominated on the basis of second disclosure made by co-accused Kuldeep Singh. Further contends that no role/injury has been attributed to the appellant. Also contends that co-accused Dara Singh has been granted bail pending trial by the Coordinate Bench vide order dated 23.07.2024, passed in CRA-S-2002-2024. Lastly contends that appellant is in custody since 24.04.2020; final report under Section 173 Cr.P.C has already been filed before the Court of competent jurisdiction; charges have been framed on 16.04.2021 and he is not involved in any other criminal case.

4. *Per contra*, learned State counsel vehemently opposed the prayer while submitting that allegations against the appellant are serious in nature; hence, he does not deserve the concession of bail pending trial. Again submitted that *de facto* complainant and eye-witness are yet to be examined; therefore, in case appellant is released on bail, there is likelihood of influencing the prosecution witnesses and hampering the fair trial. Lastly submits that similar appeal of appellant for grant of bail pending trial

was dismissed by this Court on 21.03.2024 and there is no change in



circumstances, since then.

5. Learned counsel for the complainant-respondent No.2 has also supported the stand taken by learned State counsel and submitted that co-accused Dara Singh had again fired a gunshot towards the house of complainant/informant and in this regard FIR No.0518 dated 26.10.2020, under Sections 285 & 427 read with Section 34 IPC; and Sections 25 & 27 of the Arms Act, at Police Station City, District Fatehabad, was registered against him along with other two accused.

6. Heard learned counsel for the parties and perused the paper-book.

7. It transpires that earlier also, appellant approached this Court for grant of bail pending trial in CRM-M-27005-2020, which was dismissed as withdrawn vide order dated 14.09.2020; CRM-M-29128-2020 which was dismissed vide order dated 08.10.2021; CRM-M-26629-2023 which was dismissed as withdrawn vide order dated 07.02.2024, with liberty to file appeal under the SC&ST Act; and CRA-S-595-2024 which was dismissed on 21.03.2024.

Learned counsel for the appellant has failed to point out any changed circumstances in favour of the appellant, after the dismissal of CRA-S-595-2024 (*ibid*).

8. Still further, charges against the appellant are very serious in nature; therefore, this Court is not inclined to grant him bail pending trial.

9. Consequently, there is no option, except to dismiss the appeal “at this stage”.

10. Ordered accordingly.

11. The above observations be not construed as an expression of opinion on merits of the case in any manner.



Pending application(s), if any, shall also stand disposed off.

23.01.2025

Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No