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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-S-3596-2024 (O&M)
Date of Decision:- 21.02.2025

ANIL @ BILIYA

....Appellant(s)

Versus

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Manjeet Singh, Advocate for the appellant.
Mr. Surender Singh, A.A.G. Haryana.

SANJIV BERRY, J. (ORAL)

1. The present appeal has been preferred against the impugned order dated 19.10.2024, passed by learned Sessions Judge, Bhiwani, whereby the application for regular bail of the appellant was dismissed in the following case:-

FIR No.	Dated	Sections	Police Station
553	04.10.2023	147, 149, 323, 341, 506 IPC [325 IPC and 3(2)(va) of the SC/ST Act added later on & 147 and 149 IPC deleted later on]	Tosham, District Bhiwani

2. It is, *inter alia*, contended by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case on account of a property dispute, which was already seized by the Court of learned Sub-Divisional Magistrate. He submits that the appellant is not having any criminal antecedents and is in custody since 02.09.2024. He



further submits that after the completion of investigation, challan has been presented in Court and even as per the allegations levelled in the FIR, the injuries are bailable in nature except one injury attracting Section 325 IPC, which is on a non-vital part i.e. on the hand of the complainant. Hence, prays for setting aside the impugned order and grant of bail to the appellant.

3. *Per contra*, learned State counsel while referring to the status report filed by the State prays for dismissal of the appeal. He has, however, admitted that challan stands presented in Court.

4. Notice issued to respondent No.2 stands duly served, however, none has put in appearance on his behalf.

5. Heard learned counsel for the parties and perused the record.

6. After considering the rival contentions and perusing the record, it transpires that the instant case was registered on the statement of injured Ranbir to the effect that on 04.10.2023 at about 10:30 AM, he along with his brother Satish and mother Parvati were going to their village on motorcycle, and all of a sudden some persons stopped his motorcycle and caused multiple injuries to the complainant, his brother and mother and thereafter left the spot. The injured was shifted to the hospital and accordingly the FIR was registered.

7. A perusal of the record would reveal that challan has already been presented against the appellant consequent upon his arrest on 02.09.2024. It is not disputed that the concerned SDM was seized of the dispute and injury sustained by the injured are simple in nature except for one injury punishable under Section 325 IPC, being on the hand of the



complainant, a non-vital part of the body. There is no specific overt act attributed to the appellant of having uttered any specific casteist remarks. Furthermore, it has been apprised by learned State counsel that 19 witnesses has been cited by the prosecution, however only 01 witness has been examined till date. The criminal liability, if any, of the appellant, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the appellant any longer.

8. Consequently, without commenting on the merits of the case, the present appeal is allowed and the impugned order dated 19.10.2024, passed by learned Sessions Judge, Bhiwani, is set aside. The appellant is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

21.02.2025

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No