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

**CRA-S-3886-2024 (O&M)
Date of decision : 20.02.2025**

Ashish @ Ashu

...Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sandeep Lather, Advocate, for the appellant.

Mr. Ashok Sehrawat, DAG, Haryana.

Dr. Jaiveer Singh Malik, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present appeal has been filed under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities), Act, 1989 (for short, 'the SC&ST Act'), for quashing of order dated 19.11.2024, passed by learned Additional Sessions Judge, Jind, whereby, application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'BNSS') for grant of bail pending trial to the appellant in FIR No.228 dated 09.08.2024, under Sections 109(1), 333, 351(3) read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'); Section 25 of Arms Act, 1959 and Section 3(2) (V) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act'), registered at Police Station Julana, District Jind, was dismissed.



2. Status report filed by way of affidavit dated 14.01.2025 of Jitender Singh, Deputy Superintendent of Police, Jind, Law and Order, on behalf of respondent-State, is taken on record. Copy thereof supplied to the opposite side.

Registry to do the needful.

3. Allegations are that on 08.08.2024 at 02:05 a.m., the appellant along with co-accused came to the house of the complainant and fired three shots upon him with intention to kill him.

4. Contends, *inter alia*, that matter has been amicably settled between the parties i.e. appellant as well as *de facto* complainant; appellant is in custody since 31.08.2024; after investigation, report under Section 193 of BNSS was presented on 28.10.2024 and charges were framed on 20.12.2024; but out of total 14 prosecution witnesses, none has been examined till date.

5. Factum of compromise duly acknowledged by learned counsel for the complainant. However, learned State counsel is not aware about the same but he opposed the prayer on the ground that allegations are very serious.

6. Heard both sides and perused the paper-book.

7. It is not in dispute that appellant is in custody since 31.08.2024; charges were framed on 20.12.2024, but out of total 14 prosecution witnesses, none has been examined so far. It is acknowledged by learned counsel for the complainant that matter has been amicably settled between the parties at their own level. As conclusion of trial may take sufficient long time; therefore, further incarceration of the appellant would not serve any purpose.



In view of above, the objection raised by learned State counsel is of no relevance; hence the same is over-ruled.

8. Consequently, present appeal is allowed; impugned order dated 19.11.2024 passed by learned Additional Sessions Judge, Jind is set aside; appellant shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Appellant shall appear on each & every date of hearing and to fully co-operate with learned Special Court without seeking any unnecessary adjournment(s).

10. The above observations may not be construed as an expression of opinion on the merits of the case.

11. It is clarified that in case there is recurrence or any misuse of concession of bail on the part of the appellant, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

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

20.02.2024
d.gulati

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No