



CRA-S-4040-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

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Decided on: 13.02.2025

Mahesh ...Appellant

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sanjeev Kumar Bawa, Advocate
for the appellant.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Munish Gulati, Advocate
for respondent No.2.

FIR No.	Dated	Police Station	Sections
184	07.07.2024	Sadar Tauru	153A/295/506 IPC and 3 of SCST Act

Aggrieved by the dismissal of his bail under section 482 BNSS, the accused has come up before this court by filing an appeal under section 14-A of Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989, (SCSTPOA), seeking anticipatory bail.

2. The appellant had filed a bail application before the Additional Sessions Judge, Nuh, which was dismissed on 22.11.2024.
3. Appellant’s counsel submits that the matter has been compromised between the parties. He further prays that appellant has objection if this Court while granting bail imposes any stringent condition. The appellant contends that custodial interrogation and pre-trial incarceration would cause an irreversible injustice to the appellant and family, and the pre-trial incarceration would cause an irreversible injustice to the appellant and family.
4. Counsel for the State on instructions from DSP Devender Singh, submits that appellant had joined the investigation in compliance to the order dated 12.12.2024 passed by the Coordinate Bench of this Court. Complainant’s counsel does not dispute the



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contention made by counsel for the appellant and submits that matter stands compromised between the parties.

5. Given above, the appellant shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

6. While furnishing a personal bond, the appellant shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

7. The appellant is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The appellant shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The appellant shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the appellant shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

8. The appellant shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The appellant shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

9. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added



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section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the appellant notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

11. This bail is conditional, and the foundational condition is that if the appellant indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

11. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the appellant can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

14. Appeal is allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

13.02.2025
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Whether speaking/reasoned:	Yes
Whether reportable:	No.