

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-S-4097-2024
Date of decision: 30.01.2025

Ankit

....Appellant.

Versus

State of Haryana and another

....Respondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Manjeet Singh, Advocate,
for the appellant.
.....

SANJIV BERRY, J. (ORAL)

Custody certificate dated 28.01.2025 filed by learned
State Counsel in Court today is taken on record.

2. Instant appeal has been preferred against the order dated
09.12.2024 passed by learned Additional Sessions Judge, Jind, whereby
the bail application of the appellant had been dismissed in the
following case:-

FIR No.	Dated	Sections	Police Station
99	04.03.2024	323, 325, 307, 341, 506 and 34 IPC; 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989	Jind City, District Jind

3. Heard.



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4. It is, *inter alia*, contended by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He contends that the appellant is in custody since 11.08.2024. He contends that no specific overt act is attributed to the appellant, as he is alleged to be sitting in the vehicle at the relevant time. He contends that the similarly situated co-accused namely Harpal Singh, has already been granted the concession of bail by acceptance of his appeal vide judgment dated 12.12.2024, in CRA-S-4003-2024, '*Harpal Singh vs. State of Haryana and another*'. He further contends that the matter has been compromised with the complainant vide compromise deed dated 14.10.2024. Hence, the instant appeal.

5. On the other hand, learned State counsel by referring to the reply submitted by the State has assailed the arguments by submitting that the appellant had participated in the occurrence and as such, he does not deserve the concession of bail. However, he has not disputed the fact that no specific overt act is attributed to the appellant as he was one of the occupants of the scorpio, driven by the co-accused, Navjot. It is not disputed that the case of the appellant is at the same footing as was that of Harpal Singh in *CRA-S-4003-2024 (supra)*.

6. Mr. Ajay Beniwal, Advocate, has entered appearance on behalf of the complainant, and filed his vakalatnama. The same is taken on record. He has admitted the factum of the appellant being at the same footing with that of the aforesaid Harpal Singh and has also placed on record copy of the affidavit given by the complainant,



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namely Sandeep son of Mahabir. He has categorically stated that the appellant had not inflicted any injury on him and, as such, has no objection, if, the appellant is granted concession of bail.

7. After considering the rival contentions and perusing the record, it transpires that instant FIR was registered on the complaint given by Sandeep alleging that on 03.03.2024 at about 09 AM while he and his friend Subhash were talking in the car near Tikona Park, then at about 9.30 AM, Vicky came there and informed that 02 persons were quarreling with him on which the complainant and Sandeep went to the place and tried to intervene and after some arguments, those persons left the place. After some time one black scorio came there and hit the complainant and Vicky. The driver again hit after reversing and 4-5 persons alighted there from and starting giving beatings with fist and kick blows. After hearing noise, some neighbors came there and the assailants ran away from the spot and on the basis of allegations, FIR was registered.

8. Admittedly, no specific overt act is attributed to the petitioner by the complainant nor he is named in the FIR. As per the allegations and the status report, the petitioner is not the alleged driver of the Scorio vehicle which had hit into the complainant. Admittedly, similarly situated co-accused namely Harpal Singh (*supra*) has already been granted concession of bail by allowing his appeal vide CRA-S-4003-2024 (*supra*). There is a compromise also placed on record by learned counsel for the complainant himself pleading no objection in



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case the bail is granted to the appellant as he has not done anything. Even otherwise, there is no allegation of the appellant having exhorted casteist remarks against the complainant, therefore, considering the fact that neither the petitioner was named in the FIR nor any specific overt act is attributed to him in causing any injury to the complainant or having exhorted any casteist remarks coupled with the fact that the matter has already been compromised as per the affidavit given by the complainant, no purpose would be served by detaining the appellant in custody any more, especially when after completion of investigation challan has already been presented in the Court wherein the prosecution has cited 25 witnesses and till date none has been examined, which will take sufficient long time for the learned Trial Court to conclude its trial nor to ascertain the criminal liability, if any, of the appellant.

9. Therefore, considering all these facts and circumstances, without commenting on the merits of the case, instant appeal is hereby allowed. The order dated 09.12.2024 passed by learned Additional Sessions Judge, Jind, is set aside and 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.



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

11. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

30.01.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |