



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

121

1. CRA-S-4126-2024

Abhishek

.....Appellant

Versus

State of Haryana and Ors.

.....Respondents

And

2. CRA-S-4138-2024

Abhishek

.....Appellant

Versus

State of Haryana and Ors.

.....Respondents

Date of decision: 02.12.2025

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Virender Soni, Advocate for the appellant.

Ms. Shweta Nahata, DAG, Haryana.

Mr. Salil Dev Singh Bali, Sr. Advocate with
Mr. Jaiveer Singh Bali, Advocate and
Mr. Simmy Gupta, Advocate for respondent Nos.2 & 3.

AARADHNA SAWHNEY, J (ORAL)

1. This order shall dispose of aforesaid two petitions since identical questions of facts and law are involved in the same.
2. Challenge in the present appeal is to order dated 21.11.2024 passed by the learned Addl. Sessions Judge, Jhajjar vide which respondent Nos.2 & 3-accused in case FIR No.343 dated 13.11.2024 registered against them under Sections 193(3),190,333,115,351(3) of BNS & Section 3 (1)(S), 3(2)(va) of SC & ST Act, at P.S Badli, Jhajjar, at the instance of the appellant-complainant, were extended the concession of anticipatory bail.



3. Facts as can be inferred from the documents on record are noticed hereinbelow:

On 13.11.2024, an information was received in the Police Station that a fight had taken place in village Chhudani and injured have been referred to CHC, Badli. Immediately thereafter, Investigating Officer reached the hospital, collected the ruqa and MLRs and after seeking permission of the Doctor on duty, recorded statement of Abhishek son of Satyawar, resident of village Chhudani who alleged therein that Puneet, Jatin and Rajesh (respondent No.3), who were armed with spade, knife and a wooden stick respectively barged inside his house and unleashed an attack. The above mentioned three were followed by Puneet's mother Neetu, his sister Tannu and Naveen wife of Dayanand, who also assaulted him (complainant) and his family members. Complainant alleged that after some time, Puneet's father-Raj Kumar (respondent No.2), who is Lawyer in District Court, Jhajjar also joined hands and assaulted him and his family. In the scuffle, the assailants openly announced that they are Brahmins and uttered derogatory words based and in the name of caste. One of the assailants namely Puneet, who is Constable in Delhi Police openly threatened the injured that the matter should not be reported to the police or else they would be done to death. Nonetheless, matter was reported to police and based on the said statement, a formal case vide FIR No.343 dated 13.11.2024 was registered under Sections 193(3), 190,333,115,351(3) of BNS and Section 3(1)(s), 3(2)(va) of SC/ST Act at P.S Badli. Investigation proceedings were set into motion. Co-accused Jatin and Puneet, who were arrested on 14.11.2024 got recovered wooden stick and spade allegedly used by them in the commission of offence. They were granted concession of regular bail by the learned Addl. Sessions Judge, Jhajjar vide order dated 19.11.2024.



Apprehending their arrest, co-accused Raj Kumar and Rajesh Kumar (respondent Nos.2 & 3 respectively in the present appeal) moved an application for grant of pre-arrest bail. The same was allowed by the learned Addl. Sessions Judge vide order dated 21.11.2024. It further emerges from the documents on record that both the abovesaid accused were joined in the investigation. Allegations levelled against Neetu wife of Raj Kumar, Tannu daughter of Raj Kumar and Naveen wife of Dayanand were not found to be correct. Accordingly, these three were let off. Investigating Officer also sought opinion of the Doctor with regard to the nature of injuries suffered by injured, which were declared to be "simple". Challan complete in all respect was filed. Accused have been charge sheeted by the learned Addl. Sessions Judge vide order dated 20.08.2025.

By virtue of the present appeal, appellant-complainant has assailed order dated 21.11.2024 passed by learned Addl. Sessions Judge whereby concession of anticipatory bail was granted to co-accused-respondent Nos.2 & 3 (Raj Kumar and Rajesh).

4. Learned counsel for the appellant has raised manifold submissions:

Firstly, that the order passed by the learned Addl. Sessions Judge is totally devoid of any reason, settled law on the subject in issue was not taken note of. Learned Addl. Sessions Judge erred in law in granting the concession of anticipatory bail to respondent Nos.2 & 3, who have no respect for the law of the land. Continuing further, learned counsel submits that after registration of the FIR, both respondent Nos.2 & 3 as also the other accused started pressuring the complainant party to amicably settle the dispute; their intention being only to secure the concession of pre-arrest bail. They wielded influence and a Panchayat meeting was convened on 20.11.2024, wherein accused party expressed remorse over their objectionable conduct and assured that the civil suit filed by them



the present FIR lodged at the instance of the appellant-complainant would also be withdrawn and in future the parties would extend due courtesies to each other. Settlement deed was got executed by private respondents by misusing their connections and official positions. However, after they secured the concession of anticipatory bail from the court of learned Addl. Sessions Judge vide order dated 21.11.2024, they again started threatening appellant and his family members and on many occasions also addressed them with casteist remarks. Looking at their behaviour, the Panchayat cancelled the settlement deed/compromise deed held on 20.11.2024 and a request was made to the Authorities concerned to initiate appropriate proceedings. This settlement deed was not taken note of by the Authorities concerned, who as per learned counsel appeared to have sided with respondent Nos.2 & 3. Thus, the submission of learned counsel is that the concession of anticipatory bail in terms of order dated 21.11.2024 was granted on the strength of the compromise allegedly effected between the parties but since the same was revoked, the concession deserves to be withdrawn.

Second leg of submission raised by learned counsel for the appellant is that while passing the order dated 21.11.2024, complainant was not intentionally arrayed as one of the parties to the bail application, thus no opportunity of being heard was provided to him. In this context, attention of the Court has also been drawn to Section 15-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “the Act”), which deals with the right of the victims and witnesses against whom atrocities have been committed.

Thirdly, as per learned counsel Section 18 of the Act creates a specific bar for grant of Anticipatory Bail. In the case in hand, the facts reveals that the offence under the provisions of SC/ST Act was committed by the accused party including respondent Nos.2 & 3, but the statutory provisions were completely



accused. Gravity of the allegations levelled, seriousness of injuries suffered by the complainant-appellant and other family members were also ignored.

It is, thus, in the backdrop that the appellant has prayed for cancellation of bail.

5. Notice of the appeal was given to respondent No.1-State of Haryana as also to private respondents. Status report by way of affidavit dated 23.09.2025 of the Assistant Commissioner of Police, Crime Bahadurgarh, District Jhajjar has been filed.

6. In the reply filed by respondent Nos.2 & 3, allegations levelled by the appellant have been denied. It has been stated therein as has also been argued by learned counsel for respondent Nos.2 & 3 that the complainant party is habitual of lodging false and frivolous complaints and misusing the statutory provisions. In the past as well, complaints had been lodged by them which after inquiry were found to be false and thus no action was initiated. Factum of settlement/compromise dated 20.11.2024 having been arrived at between the parties has been admitted by respondent Nos.2 & 3 but their stand is that the said settlement was conditional on both the parties doing their part of the obligation. Complainant party had assured to withdraw the civil suit filed by them but they backed out. Insofar as the revocation of the settlement is concerned, as per learned counsel, the said document was prepared in the absence of private respondents, whose signatures are also not present on the same neither were they aware that any such document had been prepared, which would therefore, not be binding on them. Continuing further, learned counsel contends that in fact, the main dispute between the parties arose over a plot and civil suit bearing No.460/2016 had been filed by respondent No.2-Raj Kumar against the family members of the appellant. The same has been decided in his favour vide judgment dated 08.07.2025.



private complaint against the complainant party, which is pending adjudication before the courts at Jhajjar. Even otherwise, as per learned counsel, if the allegations levelled in the complaint are taken to be true at its face value though not admitted, no offence under the provisions of SC/ST Act is made out, for, complainant himself admitted in his complaint that the answering respondents along with other co-accused forcibly entered their house and unleashed an attack as also used abusive words in the name of the accused. Thus the incident did not occur within the “public view”. It was only after appreciating the entire facts of the case that the concession of anticipatory bail was granted. Towards the end, learned counsel contends that as of now, present appeal has been rendered infructuous for the simple reason that the private respondents have been granted the concession of bail by the learned Addl. Sessions Judge vide order dated 19.3.2025 (which has not been challenged till date), investigations are complete, for, challan has been filed and charges have also been framed. It has thus been prayed that the appeal having been filed without any merit deserves dismissal.

7. Having heard the rival contentions of both the counsel, this Court expresses its inability to agree with the submission raised by learned counsel for the appellant. Factual aspects of the case leading to the lodging of FIR have also been noted. It has also been noted that respondent Nos.2 & 3 were granted the concession of anticipatory bail by the learned Addl. Sessions Judge.

Impugned order dated 21.11.2024 has been read carefully wherein presence of APP has been marked, who addressed the arguments and opposed the request for grant of bail, thus the contention of learned counsel for the appellant that the complainant party were not represented before the learned Sessions Judge, when the arguments on application for grant of pre-arrest bail were heard by him, has failed to convince this Court.



The plea of the appellant that the said concession was granted to the private respondents only on the strength of compromise deed, which was subsequently revoked has not found favour with the court for the simple reason that the said cancellation deed does not bear signature of the respondents. Most importantly in the present case, after grant of anticipatory bail, private respondent Nos.2 & 3 joined the investigation and, on culmination thereof, challan has been filed. Admittedly, they were granted regular bail, charges have also been framed, thus, as has been rightly submitted by learned counsel for respondent Nos.2 & 3, present application is rendered infructuous.

8. Consequently, finding no merit in the present petition, the same is dismissed as having become infructuous.

02.12.2025
manoj

(AARADHNA SAWHNEY)
JUDGE

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