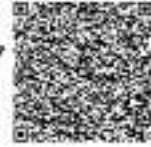


2025.PHHC.176067



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRA-S-3775-2025

Date of decision: 19th December, 2025

Sahil

...Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Parshant Sethi, Advocate for the appellant.

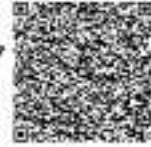
Ms. Himani Arora, Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The instant appeal has been filed Section 14-A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (For short "*SC/ST Act*") challenging the order dated 10.11.2025 passed by the Court of learned Additional Sessions Judge, Hisar in case arising out of FIR No.207 dated 10.04.2024 registered under Sections 147, 149, 323, 325, 452 and 506 of IPC and Section 3(1) (r) and 3(1)(s) of SC/ST Act at Police Station City Hansi, District Hansi, whereby an application for grant of regular bail as filed by the appellant-accused had been dismissed.

2. Brief facts of the case relevant for the purpose of disposal of this appeal are that on 07.04.2024, the respondent No.2 Gurdial was present in his factory and was taking rest, when the accused Rahul Bundela along with the

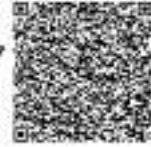
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co-accused and 2-3 persons unknown to the complainant reached there and opened an assault upon him with sticks, rods, and iron pipes. They also threw bricks upon him and caused injuries to him with their respective weapons. They also insulted him in the name of his caste and proclaimed that they would kill him. After assaulting him and assuming that he had died, they fled from the spot. Satpal who was present along with him had also sustained injuries at their hands. On his statement, the aforementioned FIR was registered. Investigation proceedings were initiated. The appellant along with co-accused Suraj and Chirag was arrested on 13.04.2024. They suffered disclosure statements on the basis of which co-accused Rajesh, Rahul, Mohit and Krish had been nominated as such. The accused Rahul Bundela was arrested on 05.06.2025. He suffered disclosure statement admitting his involvement in the crime and disclosed that he had caused injuries on the person of the victims with a *danda*. Investigation now stands completed.

3. It is argued by learned counsel for the appellant that the impugned order is not sustainable in the eyes of law as while passing the same, the learned Additional Sessions Judge ignored the fact that there was delay of three days in lodging of the FIR which has not been satisfactorily explained. No specific injury has been attributed to the appellant. The co-accused have been extended benefit of bail. The material witnesses stand examined and therefore, there are no chances of his intimidating the witnesses. The complainant has not implicated the appellant in the offence. His further incarceration would not serve any useful purpose. It is, therefore, urged that

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the impugned order is liable to be set aside, the appeal deserves to be accepted and he deserves to be extended benefit of bail.

4. The respondent No.2 has failed to appear despite being served.

5. Reply has been filed by the respondent No.1-State. It is argued by learned Deputy Advocate General, Haryana that the appellant in prosecution of common object of unlawful assembly formed with other co-accused, had voluntarily caused simple as well as grievous injuries to the victim by criminally trespassing into his premises and also criminally intimidated him and abused him in the name of his caste. The allegations against him are serious in nature. There is no illegality or infirmity in the impugned order. It is, therefore, argued that the appeal does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The appellant is alleged to have formed membership of an unlawful assembly with the co-accused and is alleged to have caused simple as well as grievous injuries to the complainant Gurudial. The appellant is in custody since 13.04.2024. No specific injury has been attributed to him. Neither any specific weapon was alleged to be carried by him at the time of occurrence. The offences under the provisions of Indian Penal Code for which the appellant has been booked, are triable by Magistrate. A perusal of the contents of FIR reveals that the allegation that the victim was called by the name of his caste, have not been specifically attributed to him. Keeping in

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view the period of incarceration of the appellant, the nature of attributions made to him and the above discussed facts as well as in the peculiar circumstances of the case but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that no useful purpose would be served by keeping the appellant in custody any more. Accordingly, the appeal is allowed, the impugned order is set aside and the appellant is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

8. Since the main appeal has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

19th December, 2025
Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |