

2026.PHHC.063505



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR No.456 of 2021 (O&M)

Dinesh Mongia ... Petitioner

Versus

State of Haryana ... Respondent

1.	The date when the judgment is reserved	17.04.2026
2.	The date when the judgment is pronounced	27.04.2026
3.	The date when the judgment is uploaded on the website	27.04.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Anurag Jain, Advocate and
Mr. Aamol Singh, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. The instant revision petition has been filed by the petitioner/accused challenging the order dated 19.02.2021, passed by the Court of learned Additional Sessions Judge, Hisar in case arising out of FIR No.36 dated 28.02.2019 registered under Sections 148, 149, 307, 323, 325, 341 and

427 of IPC at Police Station Sadar Hansi, whereby charges under Sections 150, 323, 325, 341, 420 and 427 read with Sections 34 and 120-B of Indian Penal Code and Section 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (*For short "SC/ST Act"*) were framed as against the present petitioner and the co-accused.

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of the statement recorded by the complainant Suresh Kumar Chauhan posted as Executive Officer with Municipal Council, Hansi alleging that on the evening of 28.02.2019, he along with his niece Parveen was on his way to his house in his Innova car and when they reached near Village Gagan Gheri, a Swift car reached there from the opposite side and stopped in front of his vehicle. Five-six youths alighted from the said car. They were armed with iron rods. They started damaging the window panes of his vehicle, forcibly took him out of his vehicle and struck a blow with rod on his head. Then, the other persons also caused injuries with their respective rods. On clamour being raised by his niece, some persons reached there and then the assailants fled away. His niece had noted down the registration number of the vehicle of the assailants.

3. After registration of FIR, investigation proceedings were initiated. Since the complainant belonged to Scheduled Caste community, offence under Section 3(2)(va) of SC&ST Act was also added. The petitioner and the co-accused were subsequently nominated as accused. The petitioner was arrested and was subsequently extended benefit of bail. After completion of necessary investigation proceedings, challan was presented against the petitioner and the co-accused and vide impugned order dated 19.02.2021, charges under the

aforementioned sections had been framed as against the petitioner.

4. It is argued by learned counsel for the petitioner that the impugned order is not sustainable in the eyes of law qua him. He was not named in the FIR and was nominated as accused on the basis of supplementary statement of the complainant recorded on 25.03.2019, i.e. 25 days after the incident. The FIR was registered against unknown persons. There are no allegations that the petitioner had used any caste related words as against the complainant. Even it has not come on record that the petitioner knew the complainant in any manner whatsoever and was aware about his caste. His presence at the spot of occurrence has not at all been established. No specific overt act, injury or weapon has been attributed to him. As per the allegations, he was present along with the co-accused at the time of hatching conspiracy to assault the complainant. These allegations do not make out any case for commission of offence punishable under Section 3(2)(v)a) of SC/ST Act qua him. While framing charge under this section, the learned trial Court did not apply its judicious mind. Even the ingredients of other offences for commission of which he has been chargesheeted, are not attracted. With these broad submissions, it is argued that the impugned order is liable to be set aside, the petition deserves to be accepted and the petitioner deserves to be discharged of the offences for which he has been charge sheeted.

5. *Per contra*, learned State counsel has argued that there are serious and specific allegations against the petitioner. He was named in the supplementary statement of the complainant. He had hatched conspiracy with the co-accused to cause injuries to the complainant by assaulting him. The complainant being a member of the scheduled caste community and being

assaulted in pursuance of conspiracy hatched by the petitioner and the co-accused, the ingredients in commission of offence punishable under Section 3 (2)(va) as well as under different provisions of Indian Penal Code are certainly attracted in this case. The learned trial Court has passed a well reasoned order which does not require any interference. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions.

7. As per the allegations, complainant Suresh Kumar Chauhan was posted as Executive Officer at Municipal Council, Hansi and while performing his official duties, had got removed a kiosk (khokha) of meat erected on the public land and had got the same vacated from accused Jitender @ Happy. The accused Jitender, who was offended due to the said fact, had hatched a conspiracy with the co-accused including the present petitioner, to take revenge from the complainant and in pursuance thereof, on 28.02.2019, accused Jitender @ Happy along with co-accused Bansi, Bachi etc. had assaulted the complainant. From the allegations in the FIR itself, it has been reflected that the petitioner was not present at the spot of occurrence and was not amongst the persons who had actually assaulted the complainant. However, nonetheless, the allegations against him prima facie make out a case for hatching conspiracy for commission of offences of wrongfully restraining the complainant and voluntarily causing simple as well as grievous injuries to him. The main thrust of the arguments raised on behalf of the petitioner has been that the ingredients of offence under Section 3(2)(va) of the SC/ST Act are missing and hence, no charge under this section could be framed against him. It is also the stand of the petitioner that there is no material on record to show that the petitioner knew

about the fact that the complainant was a member of the scheduled caste community, thereby attracting the provisions of Section 3(2)(va) of the SC/ST Act.

8. As per Section 3(2)(va) of the SC/ST Act, any person who commits any offence specified in the schedule, against a person or property while knowing that such person is a member of scheduled caste or such property belongs to such member, is liable for the same punishment as specified in IPC for such offence. Meaning thereby that if an accused is alleged to have committed an offence punishable under the provisions of IPC (since repealed) while knowing that the victim was member of scheduled caste community, then such accused is liable for the same punishment as mentioned in this offence. In the instant case, apart from the offence under Section 3(2)(va) of the SC/ST Act, the petitioner has been chargesheeted for commission of offences punishable under Sections 150, 323, 325, 341, 420 and 427 read with Sections 34 and 120-B of IPC. The offences under Sections 323 and 341 of IPC are scheduled offences under the SC/ST Act. The same with the aid of Section 120-B of IPC are prima facie shown to be attracted against the petitioner.

9. So far as the fact as to whether the petitioner knew that the complainant was a member of the scheduled caste community or not is concerned, it is a matter of trial and it is only on thorough assessment of the evidence to be produced before the learned trial Court that any final conclusion can be drawn as to this effect. The arguments that there is no evidence to show that the petitioner had insulted the complainant, has no force as the requirement of Section 3(2)(va) of the SC/ST Act is not the proof of the same but is that there must be a prima facie case to prove that either of the scheduled offences

is committed by the person accused. In view of the discussion made to the effect that the petitioner is prima facie proved to have hatched a conspiracy to commit the offences punishable under Sections 323 and 341 of IPC read with Section 120-B of IPC along with the co-accused, apart from these offences, the ingredients of Section 3(2)(va) of the SC/ST are also prima facie attracted in this case. Accordingly, no ground has been made out to interfere with the impugned order passed by the learned trial Court. As a consequence, the present petition is dismissed.

27.04.2026
Manju/Waseem R. Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No