



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRA-S-741-2025

Date of Decision:15.05.2025

Vivek Tewatia

...Petitioner

vs.

State of Haryana and Anr.

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Dr. Pankaj Nanhera, Advocate
Mr. Rahul Gautam, Advocate and
Mr. Navneet Sharma, Advocate for the appellant.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Rakesh Nehra, Sr. Advocate with
Mr. Sushil Jain, Advocate
for respondent No.2/complainant.

N.S.Shekhawat J. (Oral)

1. The appellant has filed the present appeal under Section 14-A of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 (hereinafter to be referred as 'the SC/ST Act') read with Section 483 of BNSS before this Court against the impugned order dated 17.02.2025 passed by the Court of Additional Sessions Judge, Faridabad, passed in case FIR No. 193 dated 14.07.2024 under Sections 103(1), 3(5) of BNS and Sections 3, 33 and 89 of the SC/ST Act, Police Station BPTP Faridabad, whereby, the anticipatory bail application filed by the appellant was ordered to be dismissed.

2. While granting the concession of interim anticipatory bail by this Court on 19.03.2025, the following contentions were noticed by this Court:-

“Learned counsel for the appellant has vehemently argued that the FIR in the present case was registered by Rohit

only on the basis of suspicion and there was no evidence against the appellant. As per the complainant, Syria wife of Dr. Sandeep Babbar and Sandeep Babbar had initially informed the complainant side about the occurrence immediately after the incident, however, both of them have not been arrayed as witnesses in the present case. The police conducted the investigation immediately after the occurrence and it was found that there was no external mark of violence on the body of the deceased. Thus, the whole case of the prosecution that the deceased was thrown on the ground, is highly unbelievable. Still further, Saurabh, since deceased, was a stoutly built young boy and it is unbelievable that he was thrown from the flat without any resistance on his part. Learned counsel has referred to the postmortem report (Annexure A-6) in this regard to contend that all the six injuries on the person of the deceased were caused by falling on a hard surface. Learned counsel for the appellant has extensively referred to the testimony of PW1 Vinod Kumar Singh, Senior Scientific Officer, FSL Madhuban (Annexure A-7), who stated that as per the expert opinion, the possibility cannot be ruled out that the deceased had jumped himself from the height. Even, he has referred to the statement of PW2 Dr. Ravi Shankar Gaur (Annexure A-8), who was part of the medical board, which conducted the postmortem on the dead body of Saurabh, since deceased. He also stated that the possibility could not be ruled out that the deceased might have jumped himself from the height. He admitted that there were no injuries on the hands and the legs, which may show that any resistance was made by the deceased. Further, a person could not be thrown from the height by catching him with hands and legs. He admitted that in case a person is thrown by two persons in a fit state of mind, then his body will definitely show resistance initially. Even, the police did not obtain any expert opinion from him as to how the deceased had fallen down. He further admitted that in case a person falls down from the height and he falls down on hip side, then his rest of the body will move towards hard surface side and injuries No. 4, 5 and 6

could be received at that time. Further, he admitted if a person falls from a height and his hips hit to the hard surface, then the injuries No. 1, 2 and 3 were quite possible. He, thus, contends that in the present case, Saurabh, since deceased, had committed suicide and a false case has been foisted by the complainant. Learned counsel further contends that in the present case, there was no strong motive on the part of the appellant to commit the crime and the appellant was wrongly arrested in the present case. Learned counsel further submits that co-accused Sabana Khan @ Sapna has already been granted the concession of bail by the Court of Additional Sessions Judge, Faridabad on 23.12.2024.

3. Learned counsel for the appellant has reiterated the submissions and further submits that the appellant has joined the investigation and his custodial interrogation may not be required.

4. A report by way of an affidavit of Assistant Commissioner of Police, Old Faridabad has been filed on behalf of respondent-State and the same is taken on record.

5. Learned State counsel on instructions from SI Joginder also submits that the appellant has joined the investigation and is no longer required for further investigation.

6. Learned counsel appearing on behalf of respondent No.2/complainant has vehemently opposed the submissions made by learned counsel for the appellant.

7. I have heard learned counsel for the parties and perused the record carefully.

8. In view of the above statement made by learned counsel for the parties, the interim order dated 19.03.2025 is made absolute. The appellant shall

continue to join the investigation, as and when called by the Investigating Officer. The appellant shall also abide by the conditions as specified under Section 482 (2) of B.N.S.S.

15.05.2025

hitesh

(N.S.SHEKHAWAT)
JUDGE

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