



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

(1) CRA-S-3983-2024 **Date of Decision: 23.01.2025**

Hukum Singh Appellant

Versus

State of HaryanaRespondent

(2) CRA-S-3984-2024

Devender Singh Appellant

Versus

State of Haryana and anotherRespondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Karan Kaushal, Advocate for the appellants
in both appeals.

Mr. Kirpal Singh Thakur, AAG, Haryana.

Mr. Vardaan Singh, Advocate for

Mr. Rishabh Bajaj, Advocate, for the complainant.

Rajesh Bhardwaj, J. (Order)

1. This common order will dispose of above-mentioned two appeals as these have arisen out of same FIR.

2. Appellants have approached this Court by way of present appeals under Sections 14-A of SC/ST Act, 1989 praying for granting them regular bail in case FIR No.492 dated 23.08.2024 under Sections 147, 148 and 506 IPC and Section 3 of SC/ST Act, 1989, registered at Police Station Saran, District Faridabad.

3. Succinctly, facts of the case are that the FIR was registered on the statement of the complainant, namely, Mangal Singh son of Sukhram. It was alleged that the complainant married with Ritu d/o Padam Singh. However, this was not acceptable to the family of his wife, who belonged to upper caste. It was alleged that he previously also filed a complaint to the



police, however, no action was taken, however, on 29.08.2023 at about 08:30 a.m., when he was at his home, which is located in front of his in-laws house, then 5-8 persons used filthy language and caste-based remarks on him. They forcibly broke the door of his house and entered with intention to harm him. Among these persons, Padam Singh, Hukum Singh (appellant in CRA-S-3983-2024), Kusum, Krishna and others were involved. They attempted to break the CCTV cameras installed in his house. It was alleged that the complaint was given to the SHO, Police Station, Saran, however, no action was taken, hence, he approached the National Commission for Scheduled Castes (NCSC), Delhi for the redressal of his grievance. On complaint, the FIR was registered. During the investigation, Devender Singh (Appellant in CRA-S-3984-2024) was also arrayed as an accused. Both the appellants were arrested on 18.11.2024. They approached the Court of learned Additional Sessions Judge, Faridabad praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application vide order dated 27.11.2024. Hence, the appellants have approached this Court by way of filing the present appeals praying for grant of bail.

4. On account of the marriage in the family of the appellants, both the appellants were granted interim bail by this Court vide order dated 05.12.2024 and they are still on interim bail.

5. Learned counsel for the appellants has vehemently contended that the appellants have been falsely implicated in the present case. He submits that there are already litigation going on between both the families. He submits that the complainant approached the Human Rights



Commission, where, the Investigating Agency has filed the reply and the complaint filed against the appellants was not even substantiated and hence, the same was consigned in view of the reply filed by the Investigating Agency. It is submitted that FIR under Section 498-A IPC has also been filed by Ritu against the complainant. He submits that the appellants have no criminal antecedents and the FIR being motivated, they deserve to be granted bail.

6. Per contra, learned counsel for the complainant has vehemently opposed the submissions made by counsel for the appellants. It is submitted that appellants have uttered caste-based remarks in view of the public and thus, offence is specially made out against them. He submits that earlier the FIR was not registered, however, the same was registered on the direction of Human Rights Commission. He submits that no case for the bail is made out.

7. Learned State counsel has filed the status reports by way of affidavit of Jitesh Kumar, HPS, Assistant Commissioner of Police, Traffic-I, Faridabad and has submitted that the investigation is going on He also produces the custody certificate of the appellants on record.

9. The Court has heard learned counsel for the parties and perused the record. It is deciphered from the facts and circumstances of the case that already there are litigations pending between both the sides. The complaint was filed by the complainant before the Human Rights Commission and the reply was filed by the Investigating Agency. However, allegations made in the complaint were not substantiated and thereafter, the FIR was registered. Custody certificate of the appellants would show that they are not involved



in any other case.

10. In view of the above facts, the present appeals are allowed and the interim bail granted to the appellants vide order dated 05.12.2024, is made absolute subject to their already furnished surety/bail bonds before the trial Court and the same shall be treated as alive till the final disposal of the trial. They are directed to keep on appearing before the trial Court as and when required to do so and also to comply with the direction of the trial Court given by it during the pendency of the trial.

11. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

23.01.2025
sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No