

2025:PHHC:072605



203

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

CRA-S-1661-2025

DATE OF DECISION: 27.05.2025

DEEPANSHU

...APPELLANT

Versus

STATE OF HARYANA AND ANOTHER

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sushil Jain, Advocate for the applicant/appellant.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

Mr. Vijay Dahiya, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. This appeal has been filed against the impugned order dated 07.05.2025 passed by the Additional Sessions Judge, Sonipat dismissing the application filed by the appellant for grant of anticipatory bail in F.I.R. No. 116 dated 26.04.2025 (Annexure P-1) initially registered under Sections 110, 190, 191(3), 351 (3) of Bharatiya Nyaya Sanhita (BNS), 2023 and under Sections 3(1)(R) (S), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) lateron added Sections 115, 332 (c) of Bharatiya Nyaya Sanhita (BNS), 2023 registered at Police Station Sector 27 Sonipat is totally perverse, illegal and deserves to be set-aside.

2. Learned counsel for the appellant urges that there is no iota of truth in the instant FIR qua him wherein no offence is made out qua Section 3(1)(r)(s) and Section 3(2)(va) of the SC & ST Act as no specific allegations either to the appellant or to any of the accused present qua commissioning of the offence is coming forth, hence essence of the above-mentioned sections is absent.

3. As per the injury on the person of the complainant is concerned, the appellant was admittedly armed with stick and has given certain blows on the body of the injured but the injury which has been brought within the framework of Section 109 of BNS is categorically defined against co-accused Chirag in the FIR itself wherein he gave three blows on the head of the injured-complainant. He further submits that co-accused Chirag stands arrested and recovery of *farsa* stands recovered from him.

4. He undertakes that the appellant is ready and willing to fully cooperate with the investigating authorities as and when required and will not tamper with any evidence or influence any witnesses in any manner. He also assures this Court that he will comply with all conditions imposed by the Court.

5. A perusal of the grounds of the appeal is read over which are reproduced hereinbelow :-

2. *That the impugned order dated 07.05.2025 vide which the application for grant of anticipatory bail filed by the appellant was dismissed, is bad in law and liable to be set aside. The Ld. Additional Sessions Judge Sonipat failed to appreciate the facts and legal principles applicable to the present case. The impugned order has been passed in an arbitrary and mechanical manner without considering the relevant facts and the position of law thereby causing grave prejudice to the appellant.*
3. *That the appellant has been falsely implicated in the present F.I.R. on the statement/complaint of the complainant, namely,*

Parmod S/o Sh. Bhup Singh. The statement/complaint of the complainant formed the basis for registration of present F.I.R. No. 116 dated 26.04.2025 (Annexure P-1) initially registered under Sections 110, 190, 191(3), 351 (3) of Bharatiya Nyaya Sanhita (BNS), 2023 and under Sections 3(1)(R) (S), 3 (2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) later on added Sections 115, 332 (c) of Bharatiya Nyaya Sanhita (BNS), 2023 registered at Police Station Sector 27 Sonipat. A true translated copy of F.I.R. No. 116 dated 26.04.2025 is annexed herewith as Annexure P-1.

4. That in order to complete adjudicate the matter in dispute, the petitioner wants to place a broad factual conspectus of the matter that the complainant has alleged that on 25.04.2025 when he was coming back from the work and reached on the corner of the street then one Amit son of Mastana who is neighbour was standing there he further submitted that there was verbal quarrel dual between him and Amit and thereafter a quarrel had taken place between Amit and the complainant. He further stated that his mother and sister-in-law (Bhabhi) intervened in the quarrel which is going on between the complainant Parmod and Amit. He further stated that the appellant and other accused gave beating to the complainant. The complainant/respondent No. 2 for the reasons best known to him had tried to implicate the appellant in the present FIR whereas the appellant has not committed any such alleged offence.

5. From the perusal of the contents of the FIR, it can safely be presumed that there was no motive with the appellant to give beatings to the complainant as the complainant himself had stated that he had a quarrel with his neighbor Amit and there is no allegation of any previous enmity between the complainant respondent No. 2 and the appellant. This clearly shows that it is a clear case of false implication complainant/respondent No. 2. the hands of the complainant.

6. 6. That in order to falsely implicate the appellant the complainant/respondent had tried to project that the appellant was having a wooden stick (bitta) in his hand and he gave injuries to the appellant. It is relevant to mention here that none of the injuries attributed to the appellant attracts Section 110 of the BNS Act. The alleged injuries if any was attributed to the appellant ie. on the non vital part.

7. That admittedly, the complainant/respondent No. 2 had tried to project that the appellant and other co-accused had inflicted injuries to the complainant/respondent No. 2 whereas there is no eye witness/independent witness in the present case. Besides the statements made by the co-accused there is no other legal evidence against the appellant to connect him with the commission of the crime in question.

8. *That further there is no motive on the part of the appellant to give beatings to the complainant/respondent No. 2 as the appellant was not having complainant/respondent No. 2. any connection with the complainant.*

9. *That the false implication of the appellant can be seen from the fact that the complainant/respondent No. 2 had intentionally stated that the appellant and other co-accused were giving abuses by naming the caste. That further prima facie no allegations under SC/ST Act are made out in the present case. In a case titled as "Prithvi Raj Chauhan Vs. Union of India 2020 (4) SCC 727" the Hon'ble Supreme Court of India held that an accused is entitled to anticipatory bail in cases under SC/ST Act where no prima facie offence is made out, further thus the present appeal for grant of anticipatory bail is maintainable in light of the law laid down by the Hon'ble Supreme Court of India.*

10. *That the Ld. Additional Sessions Judge without considering the facts and circumstances of the present case had dismissed the application for grant of anticipatory bail vide impugned order dated 07.05.2025. The Ld. Additional Sessions Judge had dismissed the application by recording that the injured received as many as seven injuries out of which three were on the head. It is relevant to mention here that none of the injuries attributed to the injured on the head were attributed to the appellant. The impugned order dated 07.05.2025 passed by the Ld. Additional Sessions Judge, Sonipat is liable to be set-aside.'*

6. Learned State Counsel, on the other hand, refers to the contents of the FIR, which alleges that the appellant, along with co-accused persons, abused the complainant by referring to their caste. However, there are no specific allegations indicating that the abuse involved caste-related slurs made in a public place. Upon a plain reading of the FIR, no material appears to suggest any public humiliation or abuse that would attract the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Thus, prima facie, the essential ingredients of the SC/ST Act do not appear to be made out.

7. Learned counsel for the complainant opposes the prayer for grant of bail to the appellant as the complainant has suffered severe

head injury which had been declared grievous in nature, having certain stitches and thus, intent of killing is present therein. He would contend that mere causing violence against member of SC/ST society would tantamount invocation of offence under Section 3(2)(V) of SCST Act, 1989 and very rightly the name of the appellant has been nominated as an accused and he does not deserve the concession of bail. Apart from that he could not add any additional fact as has been argued by learned State Counsel.

8. Be that as it may, having given thoughtful consideration to the facts that once injury on the head have not been declared dangerous but grievous in nature and the essence of Section 3(1)(r)(s) of SC & ST Act and Section 3(2)(va) of the SC & ST Act are not evident from the perusal of the FIR, hence, this Court finds no reason to deny the appellant the concession of anticipatory bail if the appellant has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

9. Hence, in view of the admitted set of circumstances before this Court, the appellant is directed to be released on anticipatory bail subject to his joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The appellant shall also abide by the terms and conditions as envisaged under Section 482 of BNSS.

10. However, it is made clear that in case the appellant does not comply with the aforesaid direction of joining the investigation

within one week, the order passed by this Court today shall automatically stands cancelled.

11. The appeal in the aforesaid terms stands allowed.

(SANDEEP MOUDGIL)
JUDGE

27.05.2025

anuradha

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*