

**CRA-S-872-2025**

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

**CRA-S-872-2025**  
**Reserved on: 07.04.2025**  
**Pronounced on: 24.04.2025**

Sewa Singh ...Appellant

Versus

State of Haryana and another ...Respondents

**CRA-S-908-2025**

Satish ...Appellant

Versus

State of Haryana and another ...Respondents

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. S.K. Garg Narwana, Senior Advocate with  
Mr. Vishal Garg Narwana, Advocate,  
Mr. R.P.S. Jammu, Advocate and  
Mr. Nitin Sachdeva, Advocate, for the appellant.

Mr. Naveen K.Sheoran, DAG, Haryana.

Ms. Kompal Arora, Advocate,  
Legal Aid Counsel, for respondent No.2.

\*\*\*\*

**ANOOP CHITKARA, J.**

<b>FIR No.</b>	<b>Dated</b>	<b>Police Station</b>	<b>Sections</b>
723	10.10.2024	Barwala, Distt. Hisar	115(2), 127(2), 190, 191(2), 308(4) & 351(3) of BNS in which final report has been presented under Sections 115, 127(2), 190, 191(2), 308 (4), 351(3), 54 & 308(5) of BNS and Section 3(1)(r), 3(1)(s) & 3 (2)(va) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

1. By this common order, two appeals are being disposed of together as common facts are involved. For brevity, the facts are being taken from CRA-S-872-2025.

2. Aggrieved by the dismissal of his bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], for the offenses including under the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989, [SCSTPOA], the accused has come up before this court by filing an appeal under section 14-A of SCSTPOA, seeking bail.

3. In paragraph 18 of the grounds of appeal, the accused declares that he has no criminal antecedents.

4. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

*“4. That brief facts of the case are that one Ompal son of Kali Ram gave a statement to the police that he along with Jalinder, Harbir, Babu Ram, Sarvesh, Dalip, Guddu, Vishal, Pappu, Bhura and Suraj had come to Banbhori fair on dated 02.10.2024 to work as labourer. They were engaged by Contractor (Thekedar) Satish Jangra, Aman, Sewa Ram, Rajbir, Rajender and 8 to 10 other persons. After the conclusion of the fair, when they asked for their wages, Satish Jangra and his accomplices assaulted the complainant and his other labourer friends and also locked them in a room nearby and kept them there for the whole night. Then these persons started calling family members of the complainant and his friends asking them for extortion money of Rs 5 lakhs and threatened to kill the complainant and his friends. The information was given in P.S. Titavi (U.P.) by the family members of the complainant and his friends. Some unknown persons also reported about the assault and kidnapping of the complainant and his friends at PS Barwala. The police reached at the spot and rescued all of them from that room. They were taken to hospital for their medico legal examination. Upon this case FIR No.723 Dated 10.10.2024 under Section 115(2), 127(2), 190, 191(2), 308(4), 351(3) of Bhartiya Nyaya Sanhita was registered at Police Station Barwala, District Hisar.”*

5. Learned Senior counsel for the appellant has referred to paragraphs 7 to 11 of the grounds of appeal, which reads as follows:

*“7. That the phone numbers i.e. 98127-xxxxx, 85718-xxxxx mentioned in the FIR, from which the alleged ransom call was made does not belong to the petitioner. Further, the phone number 94672-xxxxx on which the alleged amount of Rs.5000/- was deposited by the complainant party also does not belong to the appellant. The call details of the numbers have already been obtained by the police during the investigation of the present case and no incriminating evidence has been found against the appellant to connect him with the above phone numbers.*

*8. That the allegations leveled in the FIR are far away from truth and are self destructive, as it has been mentioned by the complainant in the FIR that he along with others were held captive in a room whereas on the other side, complainant is alleging that calls were being made at his house and*

*in the house of others from different numbers and thereafter on the information given by some unknown persons they were got released from captivity. It is very strange that how the complainant who was allegedly in captivity could see anyone making calls from different numbers at his house and how he came to know that some unknown person gave the information to the police.*

*9. That the complainant has alleged in the FIR that when he alongwith others was held captive, during that night stick was inserted in their private part however the said allegation is not supported by any other evidence. Further, the Deputy Superintendent of Police, Barwala vide application dated 12.10.2024 sought opinion from Medical Officer, CHC Barwala, regarding the nature of injuries suffered by the complainant and others. On which, the Medical Officer, CHC Barwala, vide its opinion dated 12.11.2024 has opined all the injuries suffered by the complainant and others to be simple in nature. A copy of the application alongwith reply dated 12.11.2024 is attached herewith as Annexure A-2.*

*10. That the true facts of the present case are that Satish and Sewa Singh (petitioner) who are named in the present FIR along with Satbir together use to take land on lease/contract near Bhanbhori Mata Mandir during melas, in which they use to use the back portion of the land as parking for the vehicles to come and the front portion of the land was used for putting stalls of selling Parshad. The complainant and other persons mentioned in the FIR are labourers who were hired by above Satish, Sewa Singh (petitioner) and Satbir, on regular basis since more than 5-6 years to work on the said stalls selling parshad on daily wage of Rs.1000/-. Satish, Sewa Singh (petitioner) and Satbir also use to provide accommodation to the complainant and others during their stay. The complainant and others labourers have been working for Satish, Sewa Singh (petitioner) and Satbir since many years and earning their livelihood.*

*11. That in the last navratri Mela also the complainant and other persons mentioned in the FIR were working on the stalls of Satish, Sewa Singh (petitioner) and Satbir since 03.10.2024 to 10.10.2024. However, after the midnight on 10.10.2024, the complainant and his other accomplice who were under the influence of liquor misbehaved with some lady constable namely Sukanya, pushed her and even snatched her phone. This occurrence was seen by the general public present at the spot, who caught the complainant and his accomplice and gave them beatings and regarding the said incident one FIR No.724 Dated 11.10.2024 U/s 115, 126, 190, 191(2), 304, 62 & 74 BNS, was also registered at P.S. Barwala, District: Hisar and the complainant/Ompal and all this accomplice. A*

*copy of FIR No. 724 Dated 11.10.2024, is attached herewith as Annexure A-3.*

*After the aforesaid incident, the complainant and his accomplice were also rebuked by Satish, Sewa Singh (petitioner) and Satbir about the incident and also with regard to consuming liquor during the navratras in such pious place. But the complainant and his accomplice started blackmailing Satish, Sewa Singh (petitioner) and Satbir and others to give substantial amount, as they were badly beaten up by the general public while working for them but Satish, Sewa Singh (petitioner) and Satbir, refused to accept the illegal demand of complainant and others.*

*However, the complainant and his accomplice lodged the present FIR against the appellant and others in order to blackmail them and extort money on the pretext that the appellant and others have caused injuries to them and abused them. Whereas, the said injuries were caused to the complainant and his accomplice by the general public when they were caught misbehaving with the lady constable and giving her beatings.”*

6. Learned senior counsel submits on instructions from assisting counsel that they have no objection if bail is granted by imposing any stringent conditions including surrender of fire arms, if any. In case, the appellant repeats the offence or commit any offence where the sentence prescribed is more than 03 years, he would have no objection, if State files an application for cancellation of his bail. He further submits that the appellant is ready to furnish affidavit if the Court directs him to do so in view of judgment in the case of Siva Vs. State, CrI. No.46 of 2024. He contends that further pre-trial incarceration would cause an irreversible injustice to the Appellant and his family.

7. The legal aid counsel for respondent No.2 and State's counsel oppose bail. State counsel refers to the status report.

8. It would be appropriate to refer to the following portions of the status report, which read as follows:

*“14. That as far as the role of the petitioner/accused, it is submitted that the allegations against petitioner/accused are that he, along with other co-accused, abducted, assaulted, and humiliated the complainants, and subsequently extorted money from them. Several individuals sustained injuries, including complainant Om Pal, who suffered six injuries, and Sarvesh, who sustained four injuries. The police have obtained records confirming the transfer of Rs. 5,000/- via G-Pay. The investigation in the matter is still ongoing, and the arrest of several other accused persons remains pending.”*

**REASONING:**

9. At the stage of bail, it is not a job of this Court to ascertain the truth. However, this Court has only to consider that in given the nature of allegations, the appellant's further custodial interrogation is required or not. Further whether it's a case where the balance of interest between the society, the victim, the social groups, the State and the appellant would swing in favour of first four against the fifth i.e. the accused, which is not the case. Without commenting further, it is not a case for further custodial interrogation, as such, the appellant is entitled to bail.

10. Given the undertaking by senior counsel instructions from assisting counsel that they have no objection if bail is granted by imposing any stringent conditions including surrender of fire arms, if any and in case, the appellant repeats the offence or commit any offence where the sentence prescribed is more than 03 years, he would have no objection, if State files an application for cancellation of his bail. He further submits that the appellant is ready to furnish affidavit if the Court directs him to do so in view of judgment in the case of Siva Vs. State, CrI. No.46 of 2024. As such, the appellant is entitled to bail.

11. In Prathvi Raj v. Union of India, 2020:INSC:157 [Para 10], AIR 2020 SC 1036, a three-judge bench of the Hon'ble Supreme Court read down S. 18 by declaring as follows,

[10]. Concerning the applicability of provisions of section 438 Cr.PC, it shall not apply to the cases under Act of 1989. However, if the complaint does not make out a prima facie case for applicability of the provisions of the Act of 1989, the bar created by section 18 and 18A (i) shall not apply.

12. The allegations are beating and abusing the people belonging to the scheduled castes by using derogatory words prohibited under the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SCSTPOA).

13. The pre-trial incarceration should not be a replica of post-conviction sentencing. There is sufficient prima facie evidence connecting the appellant with the alleged crime. However, as per paragraph 16 of the grounds of appeal, the appellant has been in custody since 16.12.2024. As per the same, the appellant's total custody in this FIR is 03 months and 20 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

14. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the appellant makes a case for bail.

15. Given above, provided the appellant is not required in any other case, the appellant shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

16. While furnishing a personal bond, the Appellant shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

17. This order is subject to the Appellant's complying with the following terms.

18. The Appellant shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The Appellant shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

19. Given the background of allegations against the appellant, it becomes paramount to protect the victim and their family members, as well as the members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearm(s). [This restriction is being imposed based on the preponderance of evidence of probability and not of evidence of certainty, i.e., beyond reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the appellant shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days from release from prison and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the appellant shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

20. Given the nature of the allegations and the other circumstances peculiar to this case, the appellant shall not enter the property, workplace, and residence of the victim until the statements of all non-official and informal witnesses in the trial are recorded.

This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to Vikram Singh v Central Bureau of Investigation, 2018 All SCR (Cr.) 458; and Aparna Bhatt v. The State of Madhya Pradesh, 2021:INSC:192, 2021 SCC Online SC 230.

21. In Siva v. State, CrI.A. No.46 of 2024, decided on 01 Feb 2024, Justice M. Nirmal Kumar of Madras High Court, while granting bail, imposed the following condition,

[6] ...After executing all the sureties within 15 days from coming out of prison, the appellants shall file affidavit before the concerned Court which reads as follows:

“I, as a Citizen of India, having utmost faith in the Constitution of India, am quite aware that 'Untouchability' has been abolished under our Constitution. I, hereby, take pledge that knowingly or unknowingly, I will not practice social discrimination based on untouchability either by words or deeds or in any other manner. I am aware that it is my duty to serve in a true, honest and faithful manner, as per the basic principles laid down under the Constitution, to create an independent Society, without any discrimination. I solemnly affirm that this would stand to speak forever the faith I have in the Indian Constitution.”

22. The appellant is also directed to hand over two affidavits, in the same terms, attested by any Executive Magistrate or Notarized, to the concerned SHO within two weeks, one copy for the case file and one for the victim.

23. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense. In Mohammed Zubair v. State of NCT of Delhi, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that “The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed.”

24. It is clarified that if the appellant violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the appellant moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

25. **This bail is conditional, and the foundational condition is that if the appellant indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

**CRA-S-872-2025**

26. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

27. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

28. **Appeals allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

29. Concerned officer/official of legal services authority to ensure the timely payment of her remuneration to the legal aid counsel.

**(ANOOP CHITKARA)**  
**JUDGE**

**24.04.2025**

**Jyoti-II**

Whether speaking/reasoned: Yes  
Whether reportable: No.