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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRA-S-4290-2024 (O&M)
Date of Decision: 07.04.2025

Bitta @ Parmpal Singh and othersAppellants

Versus

State of Haryana and anotherRespondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Kuldeep Singh Siwach, Advocate
for the appellants.

Mr. Neeraj Sheoran, DAG, Haryana.

Mr. Mohan Singh, Advocate and
Mr. Lakhwinder Ram, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present appeal has been filed for quashing of order dated 20.12.2024, passed by learned Special Court, Fatehabad, whereby, application under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') for grant of pre-arrest bail to the appellants in complaint filed before learned Special Court, under Sections 323 and 506 read with Section 34 of Indian Penal Code, 1860 (for short, 'IPC') and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC&ST Act'), was dismissed.

2. Allegations are that appellants in furtherance of their common intention abused *de facto* complainant-Mukhtiar in the name of caste; manhandled his son, namely, Bahadur and also criminally intimidated with dire consequences.



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3. Contends that appellants were granted interim bail by Co-ordinate Bench of this Court, vide order dated 01.01.2025 and in pursuance thereof, they have already joined the proceedings before learned Special Court.

4. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned, and submits that appellants have already joined proceedings before learned Special Court.

5. Learned counsel for the complainant vehemently opposed the prayer on the premise that Police in connivance with the appellants had submitted a cancellation report; but *de facto* complainant was not satisfied with the same and thus he filed a separate complaint, wherein appellants have been summoned; hence complicity is well apparent.

6. Heard learned counsel for the parties and perused the paper-book.

7. It transpires that appellants were granted interim bail by Co-ordinate Bench, vide order dated 01.01.2025 and the order reads as under:-

“Learned counsel for the appellants inter alia contends that the incident in question is stated to have taken place on 09.09.2018 qua which an FIR No.257 dated 27.09.2018 was registered under Sections 323, 34, 506 IPC read with Section 3 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Sadar Tohana, District Fatehabad. He contends that after investigation, a cancellation report was filed by the Investigation Agency, which was eventually accepted by the competent Court in the month of December-2019. A private complaint was thereafter instituted by the complainant wherein the appellants have been summoned vide order dated 12.11.2024 for 14.01.2025. He undertakes that the appellants shall appear before the Court on the date so fixed.

Notice of motion.

Notice re: stay as well.

Mr. Pankaj Mulwani, DAG Haryana, accepts notice on behalf of respondent No.1-State and prays for



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some time to complete instructions and file response, if so advised.

Notice to remaining respondent(s) be issued for the date fixed on filing of process fee etc.

Reply, if any, be filed on or before the adjourned date with copy in advance to the learned counsel for the appellants.

On request, adjourned to 13.02.2025.

In the meanwhile, in the event of the appellants appearing before the Court of Special Judge under SC and ST Act, Fatehabad on or before the 14.01.2025, they shall be admitted to regular bail on furnishing of adequate bail/surety bonds to the satisfaction of Special Judge.”

8. It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, appellants have joined the proceedings before learned Special Court.

9. Although learned counsel for complainant has opposed the prayer; but contention to that effect is liable to be rejected for the reason that cancellation report filed by the police was accepted by learned Judicial Magistrate First Class, Tohana vide order dated 06.12.2019 (P-3). Apart that appellants have already joined the proceedings before learned Special Court and there is no allegations that they have misused the concession or likely to hamper the proceedings before learned Special Court.

10. In view of the above, there is no justification to deny the concession of pre-arrest bail to the appellants. Consequently, present appeal is allowed; order dated 20.12.2024 passed by learned Special Court, Fatehabad, is quashed & set aside and interim order dated 01.01.2025 is made absolute, subject to the conditions as envisaged under Section 438(2) of Cr.P.C.

11. Appellants shall appear on each & every date of hearing and to fully co-operate with the learned Special Court without seeking any unnecessary adjournment(s).



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12. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

13. Also clarified that in case of any recurrence on the part of appellant, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

07.04.2025

Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No