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

**220**

**CRA-S No.732 of 2025  
Date of Decision: 07.03.2025**

Ghanshyam and others ... Appellants

Versus

State of Haryana and another ... Respondents

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Shiv Kumar, Advocate,  
for the appellants.

Mr. Neeraj Poswal, AAG, Haryana,  
for the respondent-State.

Respondent No.2-Sunder Singh in person.

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**MANISHA BATRA, J. (Oral)**

1. This appeal has been filed under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (For short "SC&ST Act") against the order dated 18.02.2025 passed by the Court of learned Additional Sessions Judge, Faridabad in case arising out of FIR No.528 dated 14.09.2024 registered under Sections 3 of the SC&ST Act and 115, 117(2), 190, 191(2), 191(3) and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS") at Police Station Adarsh Nagar, District Faridabad, whereby an application filed by the appellants-accused for grant of regular bail had been dismissed.

2. Brief facts relevant for the purpose of disposal of this appeal

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are that the aforementioned FIR was registered on the basis of a complaint lodged by the complainant Sunder Singh on the allegations that on the night of 10.09.2024, he along with his family members was present in his house when the Kunal along with co-accused entered inside his house. They opened an assault upon the family members of the complainant while hurling abuses and uttering caste related remarks to them. His brother Jitender Singh sustained several grievous injuries on his person. All of them were calling them with the name of their caste. The complainant tried to save his brother but the appellant Kunal along with co-accused Vikrant inflicted injuries on his person with an iron rod. Both of them also gave beatings to his mother. The appellant Kunal along with co-accused Vikrant and Sahil also gave beatings to his brother Gautam Singh and then all the assailants assaulted his brother Jitender Singh by giving danda and rod blows and by throwing bricks. His brother had fallen unconscious and then the assailants fled away. His brother was taken to hospital. On the basis of his statement and as per the medico legal report, a case under the aforementioned sections was registered. Investigation proceedings were initiated. The appellants were arrested on 08.02.2025. They filed an application for grant of regular bail which has been dismissed by the Court of learned Additional Sessions Judge, Faridabad vide order dated 18.02.2025.

3. It is argued by learned counsel for the appellants that the impugned order is not sustainable in the eyes of law as while passing the same, the learned trial Court did not apply its judicious mind. The allegations levelled in the FIR do not make a case for commission of

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offences under Section 3 of the SC&ST Act as neither of the ingredients of this offence is made out. The remaining offences except offence under Section 351(2) of BNS are bailable in nature. Even the ingredients for commission of offence under Section 351(2) of BNS are not attracted. They are in custody since 08.02.2025. Their custodial interrogation is no more required. No useful purpose would be served by detaining them in custody. The investigation and trial would take time. Therefore, it is argued that they deserve to be released on bail.

4. Notice of motion.

5. Mr. Neeraj Poswal, AAG, Haryana has advance notice of the appeal and submits that keeping in view the nature of the allegations as levelled against the appellants, they do not deserve to be extended benefit of bail.

6. At this stage, respondent No.2 has appeared in person. He has placed on record a copy of his Aadhar Card in support of his identity proof. It is submitted by him that he has advance notice of the appeal and also he has no objection, if the appeal is allowed. He has submitted that he has entered into a compromise with the appellants who are residents of the same vicinity wherein he is residing, in order to maintain peace and harmony.

7. I have heard learned counsel for the appellants, learned Assistant Advocate General, Haryana as well as respondent No.2 at considerable length and have gone through the record.

8. The appellants-accused along with the co-accused are alleged to have formed membership of an unlawful assembly and in prosecution of that

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unlawful assembly, they are alleged to have opened an assault upon the respondent No.2 and his family members on 10.09.2024 and to have caused simple as well as grievous injuries to the members of the complainant party. It is a debatable question as to whether the provisions of SC&ST Act are attracted in this case as against the appellants and that question has to be decided by the trial Court on the basis of evidence to be produced before it. The appellants are in custody since 08.02.2025. Their custodial interrogation is no more required. As such, their further incarceration would not serve any useful purpose. Keeping in view the above discussed facts and circumstances, I am of the considered opinion that the impugned order dated 18.02.2025 does not deserve to be sustained. Accordingly, the same is set aside, the appeal is accepted and the appellants are ordered to be admitted to bail subject to their furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

9. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

**(MANISHA BATRA)**  
**JUDGE**

**07.03.2025**  
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Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No