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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Decided on : 05.05.2025

Vikrant

. . . Appellant

Versus

State of Haryana and another

. . . Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Karan Singh, Advocate
for the appellant

Mr. Anmol Malik, DAG Haryana

Mr. Rajesh Duhan, Advocate
for the complainant

KIRTI SINGH, J. (Oral)

1. Challenge in the present appeal is to the order dated 19.08.2021 passed by learned Additional Sessions Judge, Hisar whereby anticipatory bail application of the appellant in case FIR No.146 dated 15.03.2025 under Sections 74, 351(2), 333, 324(4), 191(3), 190, 115, 118(1) and 238 of BNS and Section 3(2)(va) of SC & ST Act registered at Police Station Indri, District Karnal has been dismissed.

2. The contents of the above-mentioned FIR are reproduced herein below:-

“Regarding assaulting, using caste related bad words and beating by entering in house. Sir, It is requested that 1, Mamta Rani wife of Sh. Hawa Singh caste Chamar, resident of Khera. Today dated 14.03.2025 at about 5.303 PM, Vikran son of Hukum Chand, Ankush alias Boora son of Hargyan, Tiger son of Shyam Lal, Shubham son of



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Joginder, Pankaj son of Ram Kishan, Devash son of Kanwar Pal, Lokesh son of Shiv Kumar and Humuk Chand and five other person came to my house and caught my both arms. Then Ankush and Vikrant torn my clothes. When I shouted, my husband and children came, hearing my shout from the house of my neighbour Ravinder. They started beating with my husband Hawa Singh son of Amar Singh, Amarjeet and Anmol, my neighbour Dimppy and his son Harsh and me. When this fact came to the knowledge of our family members, they also reached in front of our house. Accused attacked on them and broken the articles of our house and also tried to set on fire our house and said throw these githal-chamar from our neighbourhood, these githal people cannot live between us. When our neighbour called the police by dialling 112, then also they remained attacking on us in presence of police and accused used to say that our brother is in police. Police cannot harm us. We are of upper cast. Accused are of criminal nature persons. Please save our and our family life. Thanking you. Accused Vikrant, Ankush, Tiger, Shubham, Devesh, Lokesh. Sd/-, Mamta Rani Applicant Mamta Rani wife of Hawa Singh resident of Khera, Teh.Indri. Mob. No.9671936165.”

3. Learned counsel for the appellant *inter alia* submits that the appellant has been falsely implicated in the instant case which is counter blast to the complaint given by the appellant against the son of the complainant in the instant case. As per the FIR, the alleged incident took place inside the house of the complainant and as such the same did not occur in public view, so as to attract the provisions of SC/ST Act. Further, on earlier two occasions as well the family members of complainants had made false allegations against co-accused and the present appellant. In the present case as well, no injury has been attributed to the appellant. He further submits that out of three cases registered against the appellant, he stands acquitted in two. Reliance has been placed upon law



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enunciated by the Hon'ble Supreme Court in ***Satender Kumar Antil Vs. CBI (2022) 10 SCC 51***. It has further been submitted that the appellant suffered injuries at the hands of the complainant party, and that a complaint regarding the said occurrence was even made to the investigating agency alongwith proof of MLR but no action was taken on the same.

4. Per contra, learned State counsel and learned counsel for the complainant while opposing the prayer made by learned counsel for the appellant has submitted that there are serious allegations levelled against the appellant. Learned State counsel while placing reliance upon status report dated 28.04.2025 has reiterated the version of the complainant and has submitted that on 02-04-2025 co-accused Sachin @ Tiger was arrested in the present case, who during interrogation suffered his disclosure statement in which he stated that :

"we all entered Hawa Singh's house. At that time, Hawa Singh's wife Mamta Rani was alone at home. I and my friend Vikrant modest her with bad intentions and Akush and Vikrant tore Mamta Rani's clothes. Mamta Rani went up the stairs to the terrace making noise. Hearing Mamta Rani's noise, her husband Hawa Singh and his sons Anmol and Amarjeet and from their neighbourhood Ravinder wife Dimpy and her son Harsh came running to the spot. We all attacked them and hit them. I hit Hawa Singh and his two sons Anmol and Amarjeet with the binda stick that I had in my hand. My friend Vikant hit Hawa Singh's brother Minder Singh and Mehar Chand and the people and women of his family with the binda stick that he had in his hand. My friends Akush son of Hargyan Singh, Pankaj son of Ramkishan, Divesh son of Kanvarpal, Lokesh son of Shiv Kumar and other friends hit Hawa Singh and his family members with the sticks that they had in their hands. They will tell themselves about who hit whom. All of us boys had threatened to kill Hawa Singh and his sons and family members by using caste indicated words like dedh, gital



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and abusing them. We had also broken the goods kept in Hawa Singh's house like motorcycle, washing machine, fan and Inverter battery etc. My friend Vikrant and other friends had broken Hawa Singh's house, courtyard door and water tank."

He further submits that on 17-04-2025, EHC Amarjeet produced Pen Drive containing the video of appellant/accused who was attacking with danda. During the course of investigation, the husband of the complainant, Hawa Singh also produced photos of injuries suffered by his son Anmol, his brother Mehar Chand and Minder Singh.

5. Reliance is also placed on the opinion of the Medical Officer (Annexures R-15 and R-16) regarding the wounds sustained by the injured in the case, wherein it was duly recorded that injured Minder Singh suffered one grievous injury i.e. fracture of shaft hemeaur, while injured Mehar Singh also suffered one grievous injury i.e. fracture of distal and radias and fracture ulna styloid besides other injuries, which were declared simple in nature. Further, injured Anmol also had a grievous injury of fracture of fibula. Besides them, all other injured suffered from simple injuries.

6. Heard the rival submissions made by learned counsel for the parties and perused the record.

7. In ***Srikant Upadhyay and others vs. State of Bihar and another, 2024 (INSC) 202 (SC)***, Hon'ble Supreme Court held as under:

"It is thus obvious from the catena of decisions dealing with bail that even while clarifying that arrest should be the last option and it should be restricted to cases where arrest is imperative in the facts and circumstances of a case, the consistent view is that the grant of anticipatory bail shall be restricted to exceptional circumstances. In other words, the position is that the power to grant anticipatory bail under Section 438, Cr.P.C. is an exceptional power and should be



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*exercised only in exceptional cases and not as a matter of course. Its object is to ensure that a person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the complainant. (See the decision of this Court in *HDFC Bank Ltd. v. J.J.Mannan & Anr.* 2010 (1) SCC 679).*

*Further, it was clearly observed in para No. 24 of the judgment (supra) that “**though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule.** It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant.”*

8. In *Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731*, the Constitution Bench reaffirmed that when considering applications for anticipatory bail, courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.

9. Further, the general rule, put tersely, may be of bail, no jail; however, a



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just exception may be taken where there are circumstances which might thwart the course of justice. The antecedents of the accused or the probability of the accused fleeing, intimidating witnesses or tampering with the evidence, *inter alia*, weigh in heavy before the Court when dealing with a petition for the grant of anticipatory bail.

10. *Prima facie*, serious allegations have been levelled against the appellant that he was a part of the unlawful assembly and had attacked the complainant side and even outraged the modesty of the complainant in furtherance of a common intention. The appellant is named in the FIR and specific role has also been attributed to him in the disclosure statement suffered by the co-accused. MLRs of the complainant and other injured have also been placed on record and as per the medical opinion of the doctor on the same, some of the injuries attributed on their person have been declared as grievous in nature. In such circumstances, custodial interrogation might be warranted to unearth the true dimensions of the alleged crime as also to facilitate proper investigation.

11. In the light of the foregoing discussion, this Court is not inclined to grant the concession of anticipatory bail to the appellant.

12. Accordingly, the appeal is dismissed.

13. Needless to mention that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

14. Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

May 05, 2025

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No