

2025:PHHC:018149



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

(211)

CRA-S-3520-2024

Date of decision: 06.02.2025

Ram Mehar

.....Appellant

Versus

State of Haryana & another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr.M.K.Taya, Advocate for the appellant.

Mr.Neeraj Sheoran, DAG, Haryana.

None for respondent No.2, despite service.

MAHABIR SINGH SINDHU, J.

Present appeal has been filed under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities), Act, 1989 (for short, 'the SC&ST Act'), for quashing of order dated 17.08.2024, passed by learned Addl.Sessions Judge, Karnal, whereby, application under Section 439 of the Code of Criminal Procedure, 1973 (for short, '*the Cr.P.C.*') for grant of the bail pending trial to the appellant in FIR No.349 dated 17.05.2023 under Sections 323, 427, 506, 379-B, 307 read with Section 34 Indian Penal Code, 1860 (for short, 'IPC') and Sections 3(1)(s), 3(2)(va) of SC/ST Act, was dismissed.

2. Allegations are that the petitioner along with other co-accused gave beatings to the son of complainant and forced him to consume urine.

3. Contends that this Court granted interim bail to appellant on 28.11.2024 and in terms thereof, he has already joined the proceedings and he is regularly appearing before learned Special Court. Further contends

that all the co-accused have been released on bail pending trial by learned Special Court.

4. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court.

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

6. It is acknowledged by learned State Counsel that appellant was granted interim bail by this Court on 28.11.2024 and relevant part of the same is recapitulated as under:-

“Contends, inter alia, that all the co-accused have been released on bail pending trial by learned Special Court.

Learned State counsel seeks time to have instructions in the matter.

Posted for 16.12.2024.

Since all the co-accused are stated to be on regular bail; therefore, till the next date of hearing, appellant be released on interim bail in the present case on furnishing adequate bail and surety bonds subject to the satisfaction of learned Special Court/CJM/Duty Magistrate concerned.”

7. Further acknowledged by learned State counsel that in terms of the aforesaid order, appellant is regularly appearing before learned Special Court. There is no allegation that he is likely to misuse the concession of bail or hamper the proceedings in case his interim bail is made absolute. Since trial is likely to take sufficient long time and as such, sending the appellant to custody at this stage would not serve any purpose.

8. Consequently, present appeal is allowed. Impugned order dated 17.08.2024, passed by Learned Addl.Sessions Judge, Karnal, is set aside and interim bail granted to the appellant, vide order dated 28.11.2024, is made

absolute. Appellant shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

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

10. Above observations be not construed as an expression of opinion on merits of case, in any manner.

11. It is clarified that in case there is any misuse of concession of bail on the part of the appellant, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

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

06.02.2025
sailesh

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/ No