



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

101

CRA-S-4142-2024(O&M)

Renu

... Appellant

Versus

State of Haryana and another

... Respondents

106(2 cases)

CRA-S-4130-2024(O&M)

Renu

... Appellant

Versus

State of Haryana and another

... Respondents

106-2

CRA-S-4128-2024(O&M)

Renu

... Appellant

Versus

State of Haryana and another

... Respondents

107(2 cases)

CRA-S-4204-2024(O&M)

Renu

... Appellant

Versus

State of Haryana and another

... Respondents

107-2

CRA-S-4242-2024(O&M)

Renu

... Appellant

Versus

State of Haryana and another

... Respondents

Decided on : 13.01.2025



CRA-S-4142-2024(O&M) and other connected cases

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CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Virender Soni, Advocate for the appellant(s)
(in all the aforementioned appeals).

SANJAY VASHISTH, J. (Oral)

1. By way of this common order, all the aforementioned five appeals are being decided together

2. All the aforementioned appeals have been filed by the complainant-Renu, challenging the orders whereby concession of regular Bail has been granted to four accused while anticipatory bail to one accused, in case FIR No. 397 dated 02.07.2024, under Sections 109(1), 115, 118(1), 118(2), 126, 190, 191(3)/61 of BNS, Section 25(1-b) of Arms Act and Section 3(2) (v) of SC/ST Act, registered at Police Station Shivaji Colony, Rohtak, District Rohtak. The details of the aforementioned orders are presented in a tabular form hereinbelow:

CRA-S-	Date of Order	Name of the Accused	BAIL
4204-2024	14.10.2024	Manjeet Yadav S/o Japan Yadav	Regular Bail application was allowed.
4142-2024	18.10.2024	Jyoti w/o Shri Ravinder	Anticipatory Bail application was allowed.
4130-2024	19.10.2024	Himanshu s/o Virender	Regular Bail application was allowed.
4128-2024	29.10.2024	Himanshu s/o Shri Rajesh	Regular Bail application was allowed.



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4242-2024	22.10.2024	Manpreet @ Nobita S/o Joginder	Regular Bail application was allowed.
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3. Mr. Virender Soni, Advocate argues that as per FIR, on 29.06.2024 an altercation took place between accused person(s) and the son of the complainant namely Shubam. Thereafter, the compromise was effected in the brotherhood. However, on 02.07.2024, when complainant alongwith Saneha, Pinki and Kartik, was going towards their house in an Auto, on reaching near to Radhika Garden, Jhajjar road, Rohtak, all the accused alongwith 4-5 other friends armed with *farsas* and *Kulharies* opened their attack upon them. In scuffle, they all received injuries and hand of Kartik got cut and thereupon the injured were taken to PGIMS, Rohtak. After registration of the case it was found that out of total 9 accused, three are under the age of 18 years and they all were arrested as CCLs (child in conflict with law).

4. Basic grievance of the appellant is that the complainant party (appellant herein) belongs to the Scheduled Caste Community and therefore by virtue of Section 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short, 'the Act of 1989'), the concession of bail could not be granted to the accused person, therefore, the orders passed there on are abuse of the process of law.

5. While considering the contentions addressed by the appellant, examining the record and going through the version of FIR, which has been appended with the appeal(s), this Court finds that no where in the FIR it is



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mentioned that the complainant/complainant party belongs to Scheduled Caste Community. It is also not mentioned that accused were already acquainted with the Caste/Community of the injured party.

6. Additionally, this Court has also noticed that in the appeal i.e. CRA-S-2893-2024 filed by one of the accused-Ravinder, co-ordinate Bench of this Court vide its order dated 23.09.2024, firstly granted the concession of anticipatory bail and same was later on confirmed. This Court has also looked at the provision i.e Section 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989. For convenience, same is reproduced herebelow:

“3. Punishments for offences of atrocities-

(1) xxxx

(2) Whoever, not being a member of a Scheduled Caste or Scheduled Tribe-

(i)xxx

(ii)xxx

(iii)xxx

(iv)xxx

(v) commits any offence under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more against a person or property [knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member], shall be punishable with imprisonment for life and with fine;

.....

(vi)xxx

(vii)xxx”

7. A bare reading of the provision indicates that having knowledge of the

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caste of such person as Scheduled Caste and Scheduled Tribe to whom injury is caused or if an offence is committed against property then the property belongs to such member, is a prerequisite condition. In other words, one who causes injury to the person belonging to SC/ST category or damages the property, if he/she is not acquainted with the Caste/Community of the victim then he/she won't be alleged to have committed any offence under Section 3(2)(v) of the Act of 1989.

Undoubtedly, the concept of prior knowledge of Caste or Community can be inferred by Court by reading out the FIR and the case of the prosecution in its entirety also. Even, it is not the case in FIR that accused party was already having knowledge of caste and community of the victim party, therefore, concept of 'Knowledge' cannot be assumed by the Court itself.

8. In such a situation, for the purpose of considering the plea of anticipatory bail, the bar under Section 18 of the Act of 1989 would also not be applicable in the present case. This Court cannot proceed on its own by raising its assumptions regarding the community of the complainant party in the cases which are registered under the Act of 1989. Thus, by taking into consideration all the aforementioned aspects, all the five appeals are hereby dismissed and orders of regular bail and anticipatory bail are hereby confirmed.

9. While parting with the order, it is added that any observation made hereabove is not on merits of the case because, undoubtedly, it would be a debatable question during the course of trial, whether the accused party

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(private respondent herein) was having any prior knowledge of Caste and community or not.

Thus, Trial Court is expected to decide the case on merits after having complete evidence before it.

A photocopy of this order be placed on the files of other connected cases.

**(SANJAY VASHISTH)
JUDGE**

January 13, 2025*Rashmi**Whether speaking/reasoned: Yes/No**Whether Reportable: Yes/No*