

**CRA-S-4291-2024****1****102****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRA-S-4291-2024****DECIDED ON: 09.01.2025****MANOJ****.....APPELLANT****VERSUS****STATE OF HARYANA AND ANOTHER****.....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.**

Present: Ms. Monita Mehta, Advocate
for the appellant.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

SANJAY VASHISTH, J (ORAL)

1. By way of present appeal, the appellant challenges the order dated 20.12.2024, whereby learned Additonal Sessions Judge, Kaithal, has declined to grant him anticipatory bail, in case bearing FIR No.314, dated 15.12.2024, under Sections 115(2) of BNS, 2023, and under Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Kaithal Sadar, District Kaithal.

2. Counsel for the appellant argues that the alleged offences i.e. Sections 115(2) and 117(2) of the BNS, 2023, are bailable in nature, however, the allegations against the appellant in regard to commission of the offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, are not made out. Even a bare reading of the F.I.R.reveals that complainant has not mentioned whether the accused was already known to him, or not. She further submits that in the absence



of uttering alleged offensive words within public view, no offence is made out. Thus, she submits that the basic ingredients for constituting an offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, are completely missing, and the appellant deserves the concession of anticipatory bail.

3. On the other hand, learned State counsel files status report in the way of affidavit of Kuldeep Singh, Deputy Superintendent of Police, Gulha HPS, dated 08.01.2025, and the same is taken on record.

4. Despite, effecting of service upon respondent No.2 – complainant, there is no representation on behalf of him.

5. Learned State counsel submits that the complainant has sustained grievous injury and that a serious offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, has been committed by the petitioner. However, he could not controvert the legal proposition addressed by counsel for the petitioner in regard to the missing of basic ingredients for constituting the offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

6. After hearing counsel for both the sides and considering the factual circumstances in its entirety, this Court is of the view that the submissions addressed by counsel for the appellant are worth consideration at this stage. Therefore, the appellant deserves the concession of anticipatory bail.

7. Accordingly, present appeal is allowed.

8. Therefore, appellant is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of



his arrest, the appellant shall be released on anticipatory bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The appellant shall also abide by all the conditions laid down under Section 482(2) of the BNSS, 2023.

9. Besides, appellant would submit/surrender his passport before the Arresting Officer and an undertaking on oath that in case of leaving the country, he would seek prior permission from the Investigating Agency/concerned Court.

(SANJAY VASHISTH)
JUDGE

09.01.2025

Lavisha

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*