

CRM-1476-2025
IN/AND CRA-S-53-2025
and CRA-S-35-2025

2025.PHHC:006251

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106+218+314

1.

CRM-1476-2025
IN/AND CRA-S-53-2025

VISHAL AND OTHERS

. . . Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

. . . Respondent(s)

2.

CRA-S-35-2025

SAGAR BHATI

. . . Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

. . . Respondent(s)

Decided on : 16.01.2025

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Kamal Chaudhary, Advocate,
for the appellants.

SANJAY VASHISTH, J. (Oral)

CRM-1476-2025 in CRA-S-53-2025

Present application has been moved by the applicants/appellants for impleadment of complainant namely Nikhil, s/o Rajinder, resident of Village Saran, NIT, Faridabad, as respondent No.2 in the present petition.

Considering the contents mentioned in the application, prayer made therein is allowed, and Nikhil s/o Rajinder, resident of Village Saran, NIT, Faridabad, is ordered to be impleaded as respondent No.2, in the present petition.



Amended memo of parties filed by the applicant/appellant is ordered to be taken on record.

CM stands disposed of.

CRA-S-53-2025 and CRA-S-35-2025

1. By this common order, two appeals i.e. CRA-S-53-2025 and CRA-S-35-2025, are being decided.
2. Appeal i.e. CRA-S-53-2025 has been filed by the appellant namely (1) Vishal, aged about 21 years, (2) Saurabh, aged about 21 years and (3) Shivam Chhoker, aged about 28 years, for challenging the order dated 17.12.2024, passed by the Court of learned Additional Sessions Judge, Faridabad, whereby regular bail application of them has been dismissed.
3. The other appeal i.e. CRA-S-35-2025 has been filed by the appellant namely Sagar Bhati, by challenging the order dated 12.12.2024, whereby his plea of regular bail was dismissed by learned Court of Additional Sessions Judge, Faridabad.
4. Counsel for the appellants argues that except accused/appellant Sagar, all others have been attributed with causing simple injuries having been caused to the sole injured/victim namely Nikhil. The injury attributed to Sagar is with a stick on stomach of Nikhil and it is only the finger, which is found fractured. Therefore, counsel for the appellants submits that the main offence in regard to the injuries, would either fall under Section 323 I.P.C. (Section 115(2) of the BNS), or at best, Section 325 I.P.C. (Section 117(2) of the BNS).



5. Counsel for the appellants further submits that co-accused Jatin Sharma, has already been granted concession of anticipatory bail by this Court, vide order dated 14.01.2025, passed in CRA-S-1-2025, in regard to committing of offence under SC/ST Act, 1989.

6. Counsel for the appellants argues that nowhere in the FIR, it is mentioned that any of the accused was acquainted with the caste/community of the injured – Nikhil. Therefore, applicability of the provisions of SC/ST Act, 1989, would be a moot question during the course of trial, and burden would be upon the respondent-State/victims, to prove the charges. Also, submits that at this stage, it cannot be assumed that the offence under SC/ST Act, 1989, is made out.

7. Notice of motion.

8. On advance notice, Mr. Kanwar Sanjiv Kumar, AAG, Haryana, puts an appearance on behalf of the respondent/State.

9. Learned State counsel argues that investigation is in progress and challan is yet to be submitted. Due to the applicability of the provisions of the SC/ST Act, he vehemently opposes the prayer made by the appellants, and submits that it is a crime against the social set-up, and therefore, appellants do not deserve any leniency, rather they are required to teach a lesson.

10. Be that as it may, after considering all the aspects and the fact that required recoveries have already been effected, the prime offence under SC/ST Act, 1989, or grievous injury at finger of the injured Nikhil, is yet to be proved by the prosecution, this Court deems it



appropriate to allow both the appeals. Therefore, appellants (in both the appeals) are directed to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

11. Needless to observe that the appellants shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

12. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

13. A photocopy of this order be placed on the file of other connected case.

**(SANJAY VASHISTH)
JUDGE**

16.01.2025

Lavisha

Whether speaking/reasoned: ✓ ~~Yes/No~~

Whether Reportable: ✓ ~~Yes/No~~