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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision: 25.08.2025

Deepak Kumar

...Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sunny Tyagi, Advocate
for the appellant.

Ms. Shaveta Sanghi, D.A.G., Haryana.

Mr. Balwan Singh, Advocate
for respondent No.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
237	07.06.2025	Civil Line Sirsa	115(2), 316(2), 318(4) BNS, Section 3 of SC&ST Act, 21/23/25 of BUDS Act and 3 of The Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013

1. Aggrieved by the dismissal of their bail under section 482 CrPC, the accused has come up before this court by filing an appeal under section 14-A of Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989, (SCSTPOA), seeking anticipatory bail.
2. Per Note 2 of the appeal, the appellant has no criminal antecedents.
3. The facts and allegations are being taken from the translated version of FIR, which reads as follows:

“To Mr. SHO Sir District Sirsa, Subject: Taking money fraudulently and calling me fraudulently and attempting to kill me. Sir, my humble request is that my name is Gulab Kumar S/o Late Ganpat and I am permanent resident of 38/20 Saini Pura, Rohtak. That in February 2024, Mahabir Panchal (Roadways employee) introduced me to Virendra Bhatia and told me to invest in his company and said that if you work with him, he will give you a job in Dubai or South Africa and he has a company there by the name of Archabimba Solar. Investing in which gives good returns and you will also be employed



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in the company. That these people have taken Rs. 11,41,000/- eleven lakh forty one Thousands from me from February 2024 till now. That for the first 5-6 months they sent money to my account and whenever I tried to ask for the money back, they took the money again citing technical problems. That yesterday when I called Virendra Bhatia and asked for the account, he told me on the phone to come to my office at Bhuman Shah Chowk tomorrow on 06.06.2025. That today morning I came from Rohtak to Sirsa in Gaurakh Dham Express. That I reached his office at 01.30 PM in the afternoon, where Virendra Bhatia's nephew (Rahul Chawla), his brother Deepak Bhatia and his bouncers were already sitting. That when I asked them to settle accounts, Rahul Chawla caught my neck from behind and attacked me with the intention of killing me. Virendra Bhatia and his brother Deepak Chawla were all involved in this. They abused my mother and sister and also used casteist words. Rahul Chawla said that you were born to make slippers and shoes. You Chamar, you don't have the guts to go abroad. That these three together beat me up and abused me for 10-15 minutes. That after escaping from them, I called 100 and the police came and the police asked me to file a written complaint against them for fraud, assault and casteist abuses in Civil Lines Police Station, Sirsa. That SHO Sir, I request you with folded hands that appropriate action should be taken against them and I should get justice. I will be highly grateful to you. Thank you. SD- Gulab Kumar.”

4. The appellant's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the appellant and their family. Counsel for the appellant submits that the matter stands compromised with accused Virender Kumar, Rahul Chawla and Deepak Kumar but the present petition is filed by only Deepak Kumar and refers to affidavit dated 10.07.2025 Annexure A-3.

5. The State's counsel opposes bail.

6. In Prathvi Raj v. Union of India, 2020:INSC:157 [Para 10], AIR 2020 SC 1036 , a three-judge bench of Supreme Court read down S. 18 by declaring as follows,

[10]. Concerning the applicability of provisions of section 438 Cr.PC, it shall not apply to the cases under Act of 1989. However, if the complaint does not make out a prima facie case for applicability of the provisions of the Act of 1989, the bar created by section 18 and 18A (i) shall not apply.

7. Counsel for respondent No.2 submits that the matter has been compromised between the parties and affidavit Annexure A-3 annexed to the appeal has been given by him and has no objection, in case the present appeal is allowed.

8. On prima facie analysis of the nature of allegations and other factors peculiar to this case and the fact that the matter has been compromised between the parties, there would be no justifiability for custodial or pre-trial incarceration at this stage.



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9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the Appellant-Accused makes a case for bail.

10. Given above, provided the Appellant-Accused is not required in any other case, the Appellants-Accused shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the Appellant-Accused shall mention the following personal identification details:

	AADHAR number	
	Passport number, (If available), when the attesting officer/court thinks appropriate or considers the accused as a flight risk.	
	Mobile number (If available)	
	E-Mail id (If available)	

12. The Appellant-Accused is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The Appellant-Accused shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The Appellants-Accused shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the Appellants-Accused shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

13. If the appellant finds the bond amount beyond social and financial reach, it may be brought to the notice of this Court for appropriate reduction. Further, if the appellants finds bail condition(s) as violating fundamental, human, or other rights, or causing difficulty due to any situation, then for modification of such term(s), the appellants may file a reasoned application before this Court, and after taking cognizance, even to the Court taking cognizance or the trial Court, as the case may be, and such Court shall also be competent to modify or delete any condition.

14. This order does not, in any manner, limit or restrict the rights of the Police or the investigating agency from further investigation as per law.



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15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offence in this FIR, and if the new section prescribes maximum sentence which is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above, then, in that case, the Investigator/Officer-In-Charge shall give the appellants notice of a minimum of seven days providing an opportunity to avail the remedies available in law.

16. It is clarified that if the Appellant-Accused violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the Appellants-Accused move for deletion or dilution of any bail conditions, the trial court is empowered to do so.

17. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant-Accused can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. **Appeal allowed** in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

25.08.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.