

CRA-S No.2208 of 2025

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

CRA-S No.2208 of 2025

Date of decision: 20.08.2025

Reserved on: 11.08.2025

Rahul Bundela @ Rahul

... Appellant

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Harsh Jain, Advocate,
for the appellant.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. The instant appeal has been filed Section 14-A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (For short “SC/ST Act”) challenging the order dated 12.06.2025 passed by the Court of learned Additional Sessions Judge, Hisar in case arising out of FIR No.207 dated 10.04.2024 registered under Sections 147, 149, 323, 325, 452 and 506 of IPC and Section 3(1) (r), (s) of SC/ST Act at Police Station Hansi City, District Hansi, whereby an application for grant of regular bail as filed by the appellant-accused had been dismissed.

2. Brief facts of the case relevant for the purpose of disposal of

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this appeal are that on 07.04.2024, the respondent No.2-Gurudayal was present in the labour room of his factory wherein he had installed a saw machine and was taking rest, when the appellant along with co-accused and 2-3 unknown persons reached there and opened an assault upon him with sticks, rods and iron pipes. To save himself, he rushed out in the street but the assailants threw a brick upon him due to which he fell down. Thereafter they caused injuries to him with the respective weapons that they were carrying in their hands. He was a member of Scheduled Caste. The assailants called him in the name of his caste and while insulting him they proclaimed that they would certainly kill him. After assaulting him and considering him to be dead, they fled from the spot. They had also caused injuries to Satpal who was also working in his saw mill. On the statement of the victim Gurudayal, the aforementioned FIR was registered. Investigation proceedings were initiated. During investigation, the accused Suraj, Sahil and Chirag were arrested. One of the assailants namely, "M" (name withheld) who was a child in conflict with law being juvenile was also detained. They suffered disclosure statements admitting their involvement in the crime and also took the names of the appellant and other co-accused. A CCTV footage capturing the entire incident had also been taken into custody. The appellant was arrested on 05.06.2025. He recorded his disclosure statement and

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demarcated the place of incident. Co-accused Rishi was arrested subsequently. Investigation now stands completed and challan has been presented. The appellant had moved an application for grant of regular bail which has been dismissed by the Court of learned Additional Sessions Judge, Hisar vide order dated 12.06.2025.

3. It is argued by learned counsel for the appellant that the impugned order is not sustainable in the eyes of law as while passing the same, the learned Additional Sessions Judge ignored the fact that there was delay of three days in lodging of the FIR which has not been satisfactorily explained. The appellant himself belonged to Scheduled Caste community and a certificate Annexure P-2 had been issued in his favour. As such, the provisions of SC/ST Act were not at all attracted against him but this fact had also not been taken into consideration. The appellant had not been attributed any injury. Even in the CCTV footage, he was not shown to be assaulting the victim. The subject offences have not been attracted against him. His further incarceration would not serve any useful purpose. Trial will take considerable time. There are no chances of his intimidating the complainant as he already stands examined. It is, therefore, argued that the impugned order is liable to be set aside, the appeal deserves to be accepted and he deserves to be released on bail.

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4. The respondent No.2 failed to appear despite being served.
5. Reply has been filed by the respondent No.1-State. It is argued by learned Deputy Advocate General, Haryana that the appellant in prosecution of common object of unlawful assembly formed with other co-accused, had voluntarily caused simple as well as grievous injuries to the victim by criminally trespassing into his premises and also criminally intimidated him and abused him in the name of his caste. The allegations against him are serious in nature. There is no illegality or infirmity in the impugned order. It is, therefore, argued that the appeal does not deserve to be allowed.
6. This Court has considered the rival submissions.
7. The appellant is alleged to have formed membership of an unlawful assembly with the co-accused and is alleged to have caused simple as well as grievous injuries to the complainant Gurudayal. He has placed on record Annexure P-2 copy of certificate issued by Additional Deputy Commissioner, Hisar showing that he belongs to Khatik caste that has been declared as Deprived Scheduled Caste by the Government of Haryana. The appellant is in custody since 05.06.2025. No specific injury has been attributed to him. Neither any specific weapon was alleged to be carried by him at the time of occurrence. The offences under the provisions of Indian Penal Code for which the appellant has

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been booked, are triable by Magistrate. He was arrested after a gap of 425 days after registration of FIR. A perusal of the contents of FIR reveals that the allegation that the victim was called by the name of his caste have not been specifically attributed to him. Even otherwise, he is falling under Deprived Scheduled Caste category and as such, it is to be considered as to whether the provisions of SC/ST Act are applicable against him or not? Keeping in view the period of incarceration of the appellant, the nature of attributions made to him and the above discussed facts as well as in the peculiar circumstances of the case but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that no useful purpose would be served by keeping the appellant in custody any more. Accordingly, the appeal is allowed, the impugned order is set aside and the appellant is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

(MANISHA BATRA)
JUDGE

20.08.2025
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No