

(2023) 10 RAJ CK 0090

In the Rajasthan High Court

Case No : Criminal Appeal (SB) No. 2175 Of 2023

Jagjeet Singh @ Jeet

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 19-10-2023

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(S), 3(2)(V), 14A
Indian Penal Code, 1860 — Section 34, 302, 307, 323
Arms Act, 1959 — Section 3, 25, 27
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2023) 10 RAJ CK 0090

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Bhoop Singh Choudhary, S.K. Bhati, J.K. Suthar, Sangeeta Mittal

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

Heard learned counsel for the appellant, learned Public Prosecutor and counsel for the respondent No.2 and perused the material available on record.

The instant second criminal appeal has been filed under Section 14A of SC/ST Act on behalf of the appellant, who is in custody in connection with FIR No.311/2020, Police Station Tibbi, District Hanumangarh for the offences under Sections 302, 307, 323, 34 IPC and Sections 3/25 and 27 of Arms Act and Sections 3(1)(S) and 3(2)(V) of SC/ST Act and against the order dated 21.08.2023 passed by learned Special Judge SC/ST (Prevention of Atrocity Cases), Hanumangarh whereby the bail application preferred under Section 439 Cr.P.C. on behalf of the appellant was rejected. The first appeal was dismissed by this Court vide order dated 12.05.2022 with liberty to file afresh after recording the statement of injured witnesses Lovedeep Singh @ Lavi and Angrej Singh.

It has been submitted on behalf of the appellant that now Lovedeep @ Lavi has

been examined as PW-1 and he declared hostile and other witness Angrej Singh has not turn up for his evidence before the trial Court. Counsel further submits that co-accused in this case have already been enlarged on bail by this Court as well as by the learned trial Court. The accused-appellant is in judicial custody since 30.09.2020 and the trial of the case will take sufficient long time to be concluded. Therefore, the benefit of bail should be granted to the accused-appellant.

Learned Public Prosecutor and counsel for the respondent No.2 have opposed the prayer for bail and submit that the specific allegation has been levelled against the appellant.

Having regard to the entirety of facts and circumstances as available on record and upon a consideration of the arguments advanced at the bar, this Court is of the opinion that the order rejecting the application for bail filed on behalf of the appellant, cannot be sustained and deserves to be set aside.

Consequently, the instant second criminal appeal is allowed. The impugned order dated 21.08.2023 passed by learned Special Judge SC/ST (Prevention of Atrocity Cases), Hanumangarh is set aside. It is ordered that the accused-appellant Jagjeet Singh @ Jeet S/o Gurdev Singh arrested in connection with FIR No.311/2020, Police Station Tibbi, District Hanumangarh shall be released on bail; provided he furnishes a personal bond of Rs.1,00,000/- and two sureties bond of Rs.50,000/- to the satisfaction of the learned trial court with the stipulation to appear before that court on all dates of hearing and as and when called upon to do so.