

(2022) 02 RAJ CK 0089

In the Rajasthan High Court

Case No : S.B. Criminal Appeal No. 169 Of 2022

Jagseer Singh Ranjeet Singh

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 25-02-2022

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(s), 3(2)(va), 3(2)(v), 14A(2)
Indian Penal Code, 1860 — Section 143, 307, 323, 336, 341, 382
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2022) 02 RAJ CK 0089

Hon'ble Judges : Rameshwar Vyas, J

Bench : Single Bench

Advocate : Kuldeep Sharma, S.S. Rajpurohit, Avinash Godara

Final Decision : Allowed

Judgement

Rameshwar Vyas, J

The instant appeal has been filed under Section 14-A(2) SC/ST (Prevention of Atrocities) Act on behalf of the appellant, who is in custody in connection with F.I.R. No. 470/2021 registered at Police Station Hanumangarh Junction, Hanumangarh for the offences under Sections 307, 323, 341, 382, 143, 336, 427, 325, 326 IPC and Section 3(1)(s), 3(2)(va), 3(2)(v) of the SC/ST (Prevention of Atrocities) Act against the order dated 1.2.2022 passed by the Special Judge, SC/ST (Prevention of Atrocities) Act Cases, Hanumangarh whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellant was rejected.

Learned counsel for the appellant submits that co-accused Pawan has already been enlarged on bail by this Court in the matter of S.B. Cr. Misc. Bail Application No. 36/2022 decided on 24.1.2022, another co-accused Sanjay and Pawan were enlarged on bail by the co-ordinate Bench of this Court in the matter of S.B. Cr. Appeal No. 1195/2021 and 878/2021 vide order dated 20.12.2021 and

20.11.2021, respectively. Another co-accused 'A', being minor was enlarged on bail by co-ordinate Bench of this Court in the matter of S.B. Cr. Revision Petition No. 955/2021 vide order dated 10.1.2022. Learned counsel for the appellant submits that the case of the present appellant is on similar footing to that of the co-accused who have already been enlarged on bail. In the above, circumstances, learned counsel for the appellant prays that the appeal filed by the appellant deserves to be allowed.

On the contrary, learned Public Prosecutor has opposed the appeal.

Having regard to the rival contentions of the learned counsel for the parties and after perusal of the material available on record, in the facts and circumstances of the case, particularly looking to the fact that similarly situated co-accused have already been enlarged on bail, without expressing any opinion on the merits of the case, this Court deems it just and proper to grant the bail to the appellant.

Consequently, the instant appeal is allowed. The impugned order dated 1.2.2022 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Act Cases, Hanumangarh is set aside. It is ordered that the accused-appellant, Jagseer Singh @ Ranjeet Singh arrested in connection with F.I.R. No. 470/2021 registered at Police Station Hanumangarh Junction, Hanumangarh shall be released on bail; provided he furnishes a personal bond of Rs.1,00,000/- with two sound and solvent sureties of Rs. 50,000/-each 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.