

(2022) 12 RAJ CK 0041

In the Rajasthan High Court

Case No : S.B. Criminal Appeal No. 1919 Of 2022, S.B. Criminal Appeal (SB) No. 1786 Of 2022

Karnail Singh And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 08-12-2022

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(R), 3(1)(S), 3(2)(VA), 14A
Indian Penal Code, 1860 — Section 34, 307, 323, 341
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2022) 12 RAJ CK 0041

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Himmat Jagga, Anita Gehlot, Kuldeep Sharma

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

These two appeals have been filed under Section 14-A of SC/ST (Prevention of Atrocities) Act, on behalf of the appellants, who are in custody in connection with FIR No. 139/2022, Police Station Muklawa, District Sri Ganganagar, for the offences under Sections 323, 341, 307, 34 of IPC, Sections 3(1)(R), 3(1)(S) and 3(2)(VA) of SC/ST Act against the orders dated 4.11.2022 and 7.11.2022 passed by the learned Special Judge, Scheduled Caste / Scheduled Tribe (Prevention of Atrocities) Act Cases, Sri Ganganagar whereby, the bail applications preferred under Section 439 Cr.P.C. on behalf of the appellants were rejected.

Counsel for the appellants submits that the injured received grievous injuries on their non-vital parts of the body and the accused-appellants are in judicial custody and the trial of the case will take sufficient long time to be concluded. Counsel further submits that the learned court below has grossly erred in law and facts as well in declining to release the appellants on bail. Therefore, it is

prayed that the benefit of bail should be granted to the accused-appellants.

Learned Public Prosecutor as also learned counsel for the respondent have vehemently opposed the prayer for bail.

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 orders rejecting the application for bail filed on behalf of the appellants, cannot be sustained and deserve to be set aside.

Consequently, both the appeals are allowed. The impugned orders dated 4.11.2022 and 7.11.2022 passed by the learned Special Judge, Scheduled Caste/ Scheduled Tribe (Prevention of Atrocities) Act Cases, Sri Ganganagar are set aside. It is ordered that the accused-appellants (1) Karnail Singh S/o Shri Jeet Singh; and (2) Gurtej Singh S/o Shri Vakil Singh, arrested in connection with FIR No. 139/2022, Police Station Muklawa, District Sri Ganganagar, shall be released on bail; provided each of them furnish personal bond of Rs. 1,00,000/- each and two surety bonds 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.