

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

**CRM-M-14135 of 2015 (O&M)
Date of Decision: 07.05.2015**

Jitender alias Jitu

--Petitioner.

Vs.

State of Haryana

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. C.B.Kaushik, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 14 dated 15.1.2015, under Sections 452/307/506/120-B read with Section 34 IPC, Section 25 of the Arms Act and Sections 3/33/89 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SC/ST Act' for short), registered at Police Station Bawani Khera, District Bhiwani.

Notice of motion.

On the asking of the Court, Mr. M.K.Sangwan, DAG, Haryana, accepts notice on behalf of the State.

Learned counsel for the petitioner submits that story putforth in the FIR seems to be highly improbable. No injury has been attributed to the petitioner. He further submits that although the complainant did not utter even a single word against the petitioner pointing out any allegation under the SC/ST Act, yet during the investigation, offence under the SC/ST Act has been added. All these would be the debatable issues. He concluded by submitting that since the trial is yet to start, conclusion thereof will take some time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Ajit Singh, Police Station Bawani Khera, submits that presence of the petitioner has been established at the time and place of occurrence. A country made pistol has also been recovered from the petitioner. He concluded by submitting that since there is no delay in trial, it will conclude in the near future. He prays for dismissal of the petition.

Having heard the learned counsel for the parties at considerable length, after perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that petitioner deserves the concession of bail pending trial. It is so said, because no injury has been attributed to the petitioner. When complainant himself did not allege any allegation against the petitioner under the SC/ST Act at the time of registration of the FIR, why the offence under the said Act has been added during the investigation, will be a moot point.

Keeping in view the peculiar facts and circumstances of the case and without commenting anything further on the merits of the case, lest it should prejudice the rights of either of the parties, instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

07.05.2015
Ak Sharma