

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Crl. Misc.No.M- 18698 of 2015(O&M)

Date of Decision: June 5 , 2015.

Vikash

..... PETITIONER (s)

Versus

State of Haryana

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Kartar Singh Malik-I, Advocate
for the petitioner.

Mr. Manoj Dhankhar, AAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Petitioner prays for bail pending trial in FIR No.89 dated 14.03.2015, under Sections 323/324/325/34 IPC and Section 3(1)(x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the 'Act'), registered at Police Station Meham, District Rohtak.

Learned counsel for the petitioner contends that the FIR was initially registered for offences punishable under Sections 323/324/325/34 IPC and offence punishable under Section 3(1)(x) of the Act was registered subsequently on 02.04.2015. Petitioner had been granted the concession of bail

earlier on 20.03.2015. He was arrested again on 13.04.2015. There is no allegation in the FIR which attracts the rigors of Section 3 of the Act. Furthermore, challan/report under Section 173 Cr.P.C. has already been presented, further custody of the petitioner is not justified.

Learned counsel for the State while opposing this petition submits that specific injuries have been attributed to the petitioner on the left hand and right ankle of the mother of complainant – Sandeep. However, it is not denied that petitioner had been released on bail on 20.03.2015 and was re-arrested on 13.04.2015 on the addition of offence punishable under Section 3(1)(x) of the Act. It is also verified by learned State counsel, on instructions from HC Deepak, that report under Section 173 Cr.P.C. has been presented in this case.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view of the facts and circumstances but without commenting or expressing any opinion on the merits of the controversy, this petition filed by Vikash is allowed. Petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the Trial Court/Duty Magistrate.

Any observations made here-in-above shall not be construed to be a reflection on merits of the case and shall have no bearing on trial.

June 5, 2015.
'om'

(LISA GILL)
JUDGE