

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-34743 of 2015

DATE OF DECISION: 14.10.2015

Inder and another

.....Petitioners

Versus

State of Haryana

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)**
2. **To be referred to reporters or not? (Yes/No)**
3. **Whether the judgment should be reported in the Digest? (Yes/No)**

Present:- Mr. Jasbir Mor, Advocate
for the petitioners.

Mr. Vikas Malik, DAG, Haryana.

Mr. Amit Chaudhary, Advocate
for the complainant.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case FIR No. 161 dated 17.4.2015 registered under Sections 147,149,323,341,506 IPC and Section 3 of SC/ST Act at Police Station Narnaund, Tehsil Hansi, District Hisar.

Learned counsel for the petitioners contends that in the investigation conducted by police, no offence under Section 3 of SC/ST Act was made out against the petitioners. The challan was presented on 15.6.2015 and the petitioners were also ordered to be released on regular bail. Subsequently after adding Section 3 of SC/ST Act, the petitioners were again arrested and they are in custody since 19.9.2015. Nothing is to

be recovered from the petitioners and no purpose would be served by keeping them behind the bars.

Learned counsel for the respondent-State has neither disputed the custody period nor the fact of releasing the petitioners on regular bail before adding Section 3 of SC/ST Act but opposes the grant of bail to the petitioners.

Learned counsel for the complainant has also vehemently opposed the submissions made by learned counsel for the petitioners as offence under Section 3 of SC/ST Act is very serious. Learned counsel further submits that the petitioners are not entitled to concession of bail because of their conduct and language used by them. Learned counsel also submits that a specific finding has also been given in this regard by the lower Court while declining the bail.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents available on file.

Admittedly, the petitioners were on regular bail but subsequently after adding of Section 3 of SC/ST Act, they have again been arrested. In the initial stage, offence under Section 3 of SC/ST Act was not found to be made out against the petitioners by the investigating agency. Nothing is to be recovered from the petitioner and they are in custody since 19.9.2015.

In view of the above, the present petition is allowed and petitioners, namely, Inder and Ram Niwas are directed to be released on regular bail subject to their furnishing bail/surety bonds to the satisfaction of trial Court.

October 14, 2015
pooja

(DAYA CHAUDHARY)
JUDGE