

CRM No.M-40107 of 2014
CRM No.M-39840 of 2014

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(1) CRM No.M-40107 of 2014

Madan Gopal @ Madan Lal and another ...Petitioners

Versus

State of Haryana and another ..Respondents

(2) CRM No.M-39840 of 2014

Sahabaj Khan ..Petitioner

Versus

State of Haryana and another ..Respondents

Date of Decision: - 07.01.2015

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

**Present: Mr. Rakesh Gupta, Advocate,
for the petitioners in 1st case.**

**Mr. Vijay Kumar, Advocate
for Mr. Munish Mittal, Advocate
for the petitioner in 2nd case.**

**Mr. Ram Kumar Yadav, D.A.G., Haryana
for the respondent-State.**

Mr. Ashwani Gaur, Advocate, for respondent No.2.

MEHINDER SINGH SULLAR, J.(oral)

As identical points to grant the concession of anticipatory

bail to the petitioners or otherwise, are involved, therefore, I propose to dispose of indicated criminal petitions bearing CRM No.M-40107 of 2014 titled Madan Gopal @ Madan Lal and another Vs. State of Haryana and another (for brevity "the 1st petition") and CRM-M No.39840 of 2014 titled Sahabaj Khan Vs. State of Haryana and another (for short "2nd petition), arising out of the same case/FIR, by means of this common order, to avoid the repetition of facts.

2. The petitioners have preferred the instant separate petitions for the grant of anticipatory bail, in a criminal case instituted against them on a private complaint by complainant Amit son of Hukam Chand (respondent No.2), in which, they were summoned to face the trial for commission of offences punishable under Sections 323 and 324 read with Section 120-B IPC and Sections 3 & 4 of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, by the magistrate.

3. Notices of the petitions were issued to the State.

4. After hearing the learned counsel for the parties, going through the record with their valuable assistance and after considering the entire matter deeply, to my mind, the present petitions for anticipatory bail deserve to be accepted in this context.

5. During the course of preliminary hearing, the following order was passed by this Court on November 26, 2014, in 1st case :-

"Learned counsel, inter alia, contended that complainant Amit Kumar son of Hukam Chand, has filed a private criminal complaint (Annexure P-1), in order to wreak vengeance, in which, the petitioners and his other co-accused were summoned to face the trial, for the commission of offences punishable under Sections 323 and 324 read with Section 120-B IPC and

Sections 3 & 4 The Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC&ST Act'), by the magistrate, without any legal evidence. The argument is that even no offences punishable under Sections 3 & 4 of The SC&ST Act, is made out against the petitioners, in view of the ratio of law laid down by this Court in case Dr. Onkar Chander Jagpal vs. Union Territory, Chandigarh and another, 2012(1) RCR (Criminal) 931. Moreover, the controversy involved in the instant petition is stated to be identical to the one raised in CRM-M No. 39840 of 2014, in which, notice of motion has already been issued by this Court.

Heard.

Notice of motion be issued to the respondents, returnable for 05.12.2014.

Meanwhile, the petitioners are directed to appear/surrender before the next date of hearing and the summoning Court would admit them to interim (provisional) bail on their furnishing adequate bail and surety bonds to its satisfaction.

To be heard along with CRM-M No. 39840 of 2014, as prayed for."

6. Sequelly, the similar order was passed by this Court on November 21, 2014, in 2nd petition as well.

7. At the very outset, learned counsel have placed on record the certified copy of order dated 01.12.2014, affidavit and stated at the bar that petitioners have already appeared/surrendered and bail & surety bonds furnished by them, in pursuance of the pointed orders of this Court, were attested and accepted by the summoning Court.

8. In the light of aforesaid reasons and taking into consideration the totality of facts and circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial, the instant petitions for anticipatory bails are accepted. The interim (provisional) bails already granted to the petitioners, by way of indicated orders of this Court, are hereby made absolute.

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Needless to mention that, nothing observed here-in-above, would reflect, in any manner, on merits of the case, as the same has been so recorded for a limited purpose of deciding the present petitions for anticipatory bail.

January 07, 2015
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(MEHINDER SINGH SULLAR)
JUDGE