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

CRM-M-40132 of 2016

Date of decision: November 18, 2016

Dilbag @ Matri and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Rajiv Panghal, Advocate for the petitioners.

Ms. Tanushree Gupta, DAG Haryana.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In FIR No.377 dated 09.09.2016, under Sections 147, 149, 323, 506 of Indian Penal Code, 1860 (for short 'IPC') and Sections 3/33/89 of the Scheduled Tribe and Scheduled Caste (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act') (Sections 3(2) (V-A)/ 33/89 added lateron), registered at Police Station City Bhiwani, District Bhiwani, petitioners were arrested on 16.09.2016 and are in jail since then.

Looking to the nature of offences, namely under Sections 147, 149, 323, 506 IPC, I think the petitioners would be entitled for bail. However, since the offence is under SC/ST Act and as a result, offences are triable by Special Court, the learned State counsel objected the grant of bail to the petitioners.

Looking to the nature of offences alleged against the

petitioners and merely because of registration of case under SC/ST Act, the relief of bail cannot be denied.

In that view of the matter, this petition is allowed. Petitioners be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned who may impose such conditions as deem fit and proper. Petitioners shall not tamper with the prosecution evidence, threaten or exercise any influence on the prosecution witnesses.

(A.B. CHAUDHARI)
JUDGE

November 18, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No