

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

Sr. No.213

CRM NO. M-44918 of 2016

DECIDED ON: December 22, 2016

PAWAN KUMAR

..PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. K.D.S. Hooda, Advocate,
for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

Mr. Pawan Attri, Advocate,
for the complainant.

JASPAL SINGH, J. (ORAL)

Through the instant petition preferred under Section 439 Cr.P.C., petitioner – Pawan Kumar has sought the concession of bail, in case bearing FIR No.511, dated September 30, 2016, under Sections 148, 149, 323, 341, 506 of IPC and Section 3(2) (i) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989 (for short 'SC & ST Act', registered at Police Station Shahabad, District Kurukshetra.

Concededly, the injuries appearing on the person of the complainant which are alleged to have been caused by the petitioner which falls within the ambit of Section 323 IPC only, whereas the petitioner has also sustained as many as three injuries which are alleged to have been caused by the complainant with sharp edged weapon. It is a debatable question whether the facts and circumstances of the case in hands, under

Section 3 of the SC & ST Act are attracted or not. Otherwise also, the petitioner was arrested in this case on November 24, 2016 after subjecting his custodial interrogation, he was remanded to the judicial custody meaning thereby his custody was no more required.

No doubt, there are three other cases registered against the petitioner, but in all those cases it has been submitted by learned counsel for the petitioner that in cases bearing FIR No.411, dated December 04, 2009, under Sections 148, 149, 323, 325, 427, 506 IPC, registered at Police Station Shahabad and FIR No. 251, dated September 08, 2011, under Sections 323, 506, 34 IPC, registered at Police Station Shahabad, petitioner has already been acquitted, whereas, he is on bail in third case bearing FIR No.401, dated November 30, 2013, under Sections 148, 149, 323, 324, 285, 506 IPC and Section 25 of the Arms Act and is facing the trial.

In the facts and circumstances of the case in hands, nothing is required to be recovered. At the same time, completion of the investigation and presenting the challan would take sufficient time. This court is of the considered view that it would not be justifiable to keep the petitioner behind the bars for an indefinite period.

In the light of what has been discussed above, instant petition stands allowed. Petitioner is ordered to be released on bail at the satisfaction of the concerned trial Court/Duty Magistrate.

December 22, 2016

Ankur

**(JASPAL SINGH)
JUDGE**

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No