

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

CRM No.M-6153 of 2016 (O&M)

Date of Decision: 24.02.2016

Mukesh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Ajay Chaudhary, Advocate for the petitioner.

Mr. Rajiv Doon, AAG, Haryana.

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TEJINDER SINGH DHINDSA.J.

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner in case FIR No.32, dated 23.01.2016, under Sections 147/149/452/380/447/506 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter to be referred to as 'the SC and ST Act'), registered at Police Station Samalkha, District Panipat.

Briefly, it may noticed that FIR came to be registered on the statement of Satbir Singh relating to an alleged occurrence that took place on 22.01.2016. It has been alleged that Rajbir, main accused along with his entire family and 40-45 other persons took forcible possession of the house of the complainant and threw out the belongings. There are further allegations of having used derogatory language and of uttering cast based abuses.

During the course of arguments, it has gone uncontroverted that the petitioner was arrested on 23.01.2016. Name of the petitioner has not even been specifically mentioned by the complainant. Insofar as offence

under the provisions of the SC and ST Act, there are vague accusations and counsel appearing for the petitioner would contend that the ingredients of Section 3 of the SC and ST Act are not even made out.

Main accused, Rajbir is on the run and has not even been arrested till date.

Without making any observations on merits and keeping in view the submissions made by counsel appearing for the petitioner, the present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Panipat.

Disposed of.

24.02.2016

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE