

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

CRM-M-26608 of 2017.
Decided on:-31.07.2017.

Sunil and another

.....Petitioners.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Jainainder Saini, Advocate
for the petitioners.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioners, namely, Sunil and Subhash @ Banka in FIR No.190 dated 16.06.2017 under Sections 148, 323, 324, 506 and 149 IPC as well as Section 3(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, the SC/ST Act) registered at Police Station Sadar Hansi, Police District Hansi, District Hisar.

Learned counsel for the petitioners contends that a bare perusal of the FIR in question shows that there is no allegation against the petitioners which may invoke the provision of Section 3 of SC/ST Act.

Learned State counsel, on instructions from ASI Dharampal, has not disputed the said fact.

I have heard learned counsel for the parties.

Perusal of the FIR in question shows that it is only accused Anoop, who had given some caste related abuse, but as required under Section 3(1) of the SC/ST Act, the petitioners cannot be brought within the ambit of said offence. The petitioners are in custody since 10.07.2017 and the conclusion of trial is likely to take sufficient long time.

Therefore, the present petition is allowed and the petitioners are ordered to be admitted on bail on their furnishing bail bonds and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

July 31, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No