

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

**CRM-M-35322-2017 (O&M)
Date of decision: - 26.9.2017**

Vinod @ Binnu

.....Petitioner

versus

The State of Haryana

.....Respondent

CORAM: - HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Naveen Kaushik, Addl. AG, Haryana.

ARVIND SINGH SANGWAN, J (ORAL)

This is a petition under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 530 dated 17.8.2017 under Sections 147, 148, 149, 323, 341, 506 IPC and 3(2) (vi) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short the 'Act') registered at Police Station City, Bhiwani, District Bhiwani.

Learned counsel for the petitioner submits that as per the allegations in the FIR petitioner along with one Sandeep and 5-6 other persons have given beatings to the complainant and abused him in the name of his caste inside college premises. He further submits that petitioner who is about 30 years of age, is doing the private business; was not a student of college and therefore, the allegations, leveled by the complainant that petitioner abused him in the name of his caste, are afterthought as it will be decided only during the course of trial if petitioner was known to complainant.

Learned counsel for the petitioner further submits that all the offences except Section 3(2) (vi) of the Act are bailable offence and the petitioner is in judicial lock up since 19.8.2017. It is also submitted that challan has already been presented before the trial Court and the petitioner is no more required for any further investigation.

Learned State counsel, on instructions from ASI Upkar does not dispute the factual position, however, has submitted that petitioner is involved in two more other cases pertaining to the year 2015.

In reply, learned counsel for the petitioner has submitted that petitioner is already on bail in abovesaid two cases.

Without commenting upon merits of the case, present petition is allowed. Petitioner is directed to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case or found misusing concession of bail.

(ARVIND SINGH SANGWAN)
JUDGE

26.9.2017
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No