

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-43716 of 2016

Date of decision : February 22, 2017

Vinod Kumar @ Ashok Kumar

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. RS Budhwar, Advocate, for the petitioner
Mr. Deepak Sabharwal, Addl. AG, Haryana, for the respondent

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Vinod Kumar @ Ashok Kumar in this regular bail application under section 439 Cr.P.C. are that on 7.5.2015 it is alleged that during the road rage verbal dual having ensued between the complainant and the petitioner leading to the registration of the present case.

The contentions of the counsel for the petitioner are that neither any attribution is made to the petitioner for offence under section SC/ST Act and the FIR has been registered after one year of the occurrence and that the petitioner is in custody since 13.10.2016.

The factual scenario is not disputed by the learned State counsel who could also not convince this Court as to the very applicability of section 3(1)(x) of SC/ST Act, 1989.

Keeping in view the substantive period of incarceration and there being a debatable issue over the application of the **Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act** and FIR has been registered after one year of the occurrence and the fact that the trial is not likely to be concluded in near future, without adverting on to the merits of the case, the instant application is allowed. Bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Kurukshetra.

The present petition stands disposed off accordingly.

February 22, 2017
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No