

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-48496-2017

Date of Decision:22.12.2017

Rajpal

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Ms. Rupinder Kaur Thind, Advocate,
for the petitioner.

Mr. A.S. Chaudhary, Addl. A.G., 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 petitioner in case FIR No.220 dated 27.10.2017 under Sections 323, 324, 325, 506, 34 IPC and Section 3 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, registered at Police Station Ellenabad.

As per FIR, which was registered on the statement of injured Jaswant son of Sultan on 25.10.2017, the complainant got a call from Sohan Lal Sarpanch, who asked the complainant to come in his Dhani. The complainant refused to go there. However, after some time, Sohan Lal Sarpanch came in front of his house and accosted him. When the complainant came near the gate, accused Sohan Lal pointed out a pistol on his temple and called the complainant 'Dhed' and asked him to sit in the vehicle bearing registration No.HR-44H-7272. Petitioner-Rajpal son of

Hari Ram (accused) along with other co-accused Surinder Saharan Panch and Radhey Sham son of Balbir were already standing there. All the four accused put the complainant in the vehicle, which was being driven by Radhey Sham. They had given fist blows and slaps to the complainant. While pointing out the revolver on the temple of the complainant, they have taken out the mobile of the complainant and contacted Krishan. Krishan was asked to come but he refused. The complainant was taken to the Nohar Road, where petitioner caught hold him from the neck and other co-accused caught hold him from the feet. In this process, Sohan Lal and Radhey Sham gave blows of 'Dandas' on his feet, back, thighs and soles of feet. Thereafter, all the four accused got consumed their urine to the complainant one by one and again used the words attracting the penal provision of SC & ST Act. Accordingly, the FIR was registered and the police has submitted the challan under Sections 323, 324, 325, 506, 34 IPC and Section 3 of the SC & ST Act.

Learned State Counsel does not dispute the custody period of the petitioner. On instructions from ASI Randhir Singh, he states that the police has already submitted the challan and the case is now committed to the court of Sessions for trial.

Having heard learned counsel for the parties and considering the fact that the petitioner is in custody since 04.11.2017 and trial in the case may take long time, coupled with the fact that the other co-accused, namely, Surinder Kumar has already been admitted on bail vide order dated 20.12.2017 in CRM-M-47840-2017 (Surinder Kumar Versus State of Haryana), I deem it appropriate to release him on regular bail.

Accordingly, the present petition is allowed and the petitioner

is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

Needless to say that the observations made hereinabove shall not be construed as any expression on the merits of the case.

December 22, 2017
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No