

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-5783 of 2017
Date of Decision: 21.02.2017

Surender

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. K. Arun Singh , Advocate
for the petitioner.

Mr. Surender Dhull, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 20 dated 01.02.2017 registered for offences punishable under Sections 109, 298, 323, 506 of Indian Penal Code (for short 'IPC') and 3(1)(x), 3(1)(xiv) and 4 of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act'), at Police Station Adampur, District Hisar.

Heard.

Notice of motion.

On asking of the court, Mr. Vikramjit Singh, Addl.AG, Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

Instant FIR was registered at Police Station Adampur, District Hisar on the complaint of Manjeet, wherein he has stated that when he had gone to pay obeisance at *Sati Dadi Mandir*, he and his family members were

assaulted, given fist and leg blows and objectionable language was used against him and his family. The police registered a case for offence punishable under Sections 109, 298, 323, 506 of IPC and 3(1)(x), 3(1)(xiv) and 4 of the SC/ST Act and petitioner was arrested on 04.02.2017.

Mr. Surender Dhull, Advocate, appearing for the complainant submits that the matter has since been amicable settled with the intervention of *panchayat* and he has endorsed affidavit to this effect placed on file as Annexure P-3.

Petitioner was arrested on 04.02.2017. As per complainant, matter has been amicably settled by now. Even in the FIR, language constituting offence under the provisions of SC/ST Act is not mentioned and it is to be investigated if provisions of this Act are attracted in this case.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Surender is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

February 21, 2017
jk

(SURINDER GUPTA)
JUDGE