

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

CRR No.867 OF 2017 (O&M)
DATE OF DECISION : 6th MARCH, 2017

Ram Bhagat

.... Petitioner

Versus

State of Haryana & another

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Sanjay Vashisth, Advocate for the petitioner.

* * * *

A. B. CHAUDHARI, J. (ORAL)

CRN-7598-2017

The application is allowed and Annexures P-1 to P-5 are taken on record, subject to all just exceptions.

CRR No.867 OF 2017

Notice of motion.

Ms. Tanushree Gupta, DAG, Haryana accepts notice on behalf of the State.

Rule heard forthwith with consent of learned counsel for the parties.

In the present revision petition there is challenge to the order dated 07.02.2017 passed by the learned Additional Session Judge, Bhiwani in Sessions Case No.115 dated 26.09.2016 arising out of FIR No.115 dated 01.08.2016 registered under Sections 506 read with Section 34 IPC and 3(2) (VA) of SC/ST Act read with Section 34 IPC, at Police

Station Behal, District Bhiwani, whereby the petitioner has been summoned under Section 319 Cr.P.C.

Learned counsel for the petitioner vehemently submits that the petitioner is a police officer and the allegations against him in the FIR were that he along with his other family members abused the complainant in the name of his caste. He further submits that the name of caste and exact details thereof were not mentioned in the FIR. He then invited my attention to the evidence of PW-1 Mahipal and submitted that now he has made improvements regarding the utterance about caste by way of abuse. He submits that this was done after four months of the registration of the FIR. He therefore, submits that under Section 319 Cr.P.C. the said order cannot be made against the petitioner for facing the trial. He further submits that his family members have also been involved due to the political rivalry.

It is the trite law that the FIR need not mention the caste. In that view of the matter the first contention cannot be accepted. Insofar as the deposition of PW-1 Mahipal is concerned, though it is true that the PW-1 has made some improvements but due to that the court cannot jump to the conclusion that the petitioner would be acquitted. This is all the matter of appreciation of evidence by the trial Court. It is also true that PW-1 Mahipal is the only witness on that score.

In that view of the matter, I am not inclined to interfere with the order passed under Section 319 Cr.P.C. However, the petitioner is entitled to grant of bail during the said trial. Accordingly the petition qua the impugned order is dismissed. However, the petitioner shall be released on bail to the satisfaction of the learned trial Court in FIR

No.115 dated 01.08.2016 registered under Sections 506 read with Section 34 IPC and 3(2) (VA) of SC/ST Act read with Section 34 IPC, at Police Station Behal, District Bhiwani.

The petitioner shall appear before the trial Court and furnish his bail bonds and the trial Court shall thereafter complete the trial in accordance with law, as expeditiously as possible.

The copy of the order be supplied to the learned counsel for the petitioner under the signatures of the Bench Secretary.

6th MARCH, 2017
‘raj’

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No