

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12562-2018

Decided on: 18.04.2018

Pardeep

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. Amit Singla, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J (ORAL)

This petition for regular bail has been filed by petitioner-Pardeep, an accused in F.I.R. No. 105 dated 31.01.2018 under Sections 323, 341, 34, 506, 325, 120-B IPC and Section 3 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 2016 (added later on), registered at Police Station Sadar Hisar, District Hisar.

Briefly stated the facts of the case as per prosecution are that on 30.01.2018, when complainant Jagbir son of Shri Om Parkash was returning home on his motorcycle and had reached ahead of village Dabra, where Jagbir son of Ram Bhagat alongwith two other boys signalled him to stop, but he did not do so. Then three of them chased him on their motorcycles and intercepted him in front of fields of Vishavjit. Those persons were having danda in their hands and they started hitting the complainant therewith on his legs and hands and thereafter threw him in the water, then they ran away from the spot alongwith their respective weapons. While leaving, they also extended threats to eliminate the

complainant on finding an opportunity. Complainant-injured was admitted to hospital, where he was medically treated and medically examined. Statement was recorded by the police and on the basis of said statement, FIR under Section 323, 341, 506/34 IPC was registered. The matter was investigated and subsequently on the basis of supplementary statement made by the complainant-injured on 01.02.2018, offences under Section 3 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was added. The petitioner was arrested on 03.02.2018 and presently, he is behind the bars. He had moved an application for regular bail in the Court of Sessions, but the same was dismissed by Additional Sessions Judge, Hisar vide order dated 13.03.2018.

As such, he has approached this Court claiming for grant of similar relief, which has been opposed by the State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

As per the custody certificate placed on file by the learned State counsel, the petitioner is since in custody for about two months. The challan is said to have been filed in the Court on 30.03.2018. The conclusion of trial is likely to take some time and further detention of petitioner shall not serve any useful purpose.

Under the circumstances, I find it proper and appropriate if concession of regular bail is granted to the petitioner. Therefore, in view of the aforesaid circumstances, this petition is accepted.

The Petitioner is ordered to be released on bail on furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Hisar, subject to the following conditions:-

- (i) he shall appear in the Court on each and every date of hearing.

- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one otherwise to furnish affidavit in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the order shall be liable to be withdrawn.

**(H.S. MADAAN)
JUDGE**

18.04.2018

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No