

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

CRM-M-26831-2018 (O&M)

Date of Decision:-3.7.2018

Sandeep Kumar Saharan @ Deepu

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. J.P. Dhull, Advocate for the petitioner.

Mr. Sandeep Vashisht, DAG, Haryana.

Mr. Ashit Malik, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

The petitioner Sandeep Kumar Saharan @ Deepu seeks grant of regular bail in respect of a case registered against him vide FIR No.436 dated 26.10.2017 under Sections 506 of Indian Penal Code, 1860 and Section 3(i) (r) & 3(i) (s) of SC/ST (Prevention of Atrocities) Act, 1989 (Amendment 2015).

The allegations in nutshell are that the complainant Rajinder Kumar is a Sarpanch of Village Ghararsi and belongs to Ramdasiya Chamar Community and that the Gram Panchayat had filed a suit for removing encroachment made by Jasmer Singh and thereupon the Sub-Divisional Magistrate has passed an order of eviction. It is further stated in the FIR that appeal filed against that order had been dismissed by the District Collector. It is the case of the prosecution that on 22.10.2017, when the complainant along with some other persons were present in front of the house of Devi

Dayal and were talking amongst themselves, then in the meantime, petitioner Sandeep Kumar Saharan @ Deepu made a telephone call to the complainant and abused him by using objectionable words and also held out a threat to the life of the complainant for taking possession of the land and for filling soil over the 'firdi'. It is further the case of the prosecution that Devi Dayal and some other persons went to the accused asking him that he should respect Rajinder Kumar being Sarpanch of the village, but the accused again uttered objectionable utterances regarding his caste in front of them

Notice of motion.

Mr. Sandeep Vashisht, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and opposes the petition.

The petitioner has been behind bars since 16.6.2018. The only allegation in the present case apart from the offence under Section 3(i) (r) & 3(i) (s) of SC/ST (Prevention of Atrocities) Act, 1989 (Amendment 2015) is in respect of offence under Sections 506 of Indian Penal Code, 1860. No useful purpose will be served by detaining the petitioner behind bars any further as nothing is required to be recovered from him. Therefore, in view of abovesaid circumstances, the present petition is accepted and the petitioner- Sandeep Kumar Saharan @ Deepu shall be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

This petition stands disposed of accordingly.

3.7.2018

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(Gurvinder Singh Gill)
Judge