

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

(i) CRM No.M-30956 of 2018 (O&M)

Izhar

...Petitioner

VERSUS

State of Haryana

...Respondent

(ii) CRM No.M-35862 of 2018 (O&M)

Sahid Khan and another

...Petitioners

VERSUS

State of Haryana

...Respondent

Date of Decision: August 28, 2018

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Mazlish Khan, Advocate
for the petitioners.

Mr.Sukhdeep Parmar, DAG, Haryana
for the respondent-State.

Ms.Monika Singh, Advocate for
Mr.Munfaid Khan, Advocate
for the complainant.

INDERJIT SINGH, J.

Both the above-mentioned cases are taken up together as these
have arisen from same FIR.

for grant of anticipatory bail in case FIR No.39 dated 09.02.2018 under Sections 323, 506 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes Act, registered at Police Station Tauru, District Nuh, Mewat.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petitions.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

In the present case, FIR has been registered on the basis of complaint filed by Rajbir complainant against Sahid Khan, Abrar Alam and Izhar, for taking illegal possession of his land, beating him, using casteism and giving threat to kill.

It is stated in the FIR that complainant belongs to Chamar Dalit caste and he is special power of attorney of owner in possession of land measuring 20 kanals 18 marlas. On 18.11.2017 at 8.00 p.m., when he went to the land, then Sahid Khan, Abrar Alama and Izhar (petitioners) were also present there. The accused gave beatings to the complainant and used abusive and filthy language and shouted at the complainant that ' how you dedh chamar entered in their village' and threatened him not to enter the land. Then Naddim, Deenu and Saddam, who were going from there, have rescued the complainant from the accused persons.

At the time of arguments, learned counsel for the petitioners argued that the dispute between the parties is regarding the land. The petitioners are Muslims and have nothing to say about the lower or upper caste. A false case has been registered against them on vague allegations.

The petitioner have already joined the investigation. They are

not required for investigation or custodial interrogation. The petitioners are Muslims and they have dispute with the complainant regarding the land in question, as argued. No useful purpose will be served by sending the petitioners to custody.

Keeping in view the facts and circumstances of the case and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case, where the petitioners are entitled to benefit of anticipatory bail. Therefore, both the petitions are accepted and the order dated 24.07.2018 passed in CRM No.M-30956 of 2018 and order dated 20.08.2018 passed in CRM No.M-35862 of 2018 granting interim bail to the petitioners, are made absolute.

August 28, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No