

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

CRM No. M-40850 of 2017 (O&M)

Date of Decision: 20.03.2018

Kala Singh @ Hardev Singh

... Petitioner

Versus

State of Haryana

... Respondent

CRM No. M-41402 of 2017 (O&M)

Satnam Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. N.K.Ganga, Advocate for
Mr. Shiv Kumar Bishnoi, Advocate,
for the petitioner(s).

Mr. Ashish Yadav, Additional A.G., Haryana.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of CRM No.M-40850 of 2017 (Kala Singh @ Hardev Singh Vs. State of Haryana) and CRM No.M-41402 of 2017 (Satnam Singh Vs. State of Haryana) as both these petitions have been filed under Section 438 Cr.P.C. seeking concession of pre arrest bail to the petitioners herein and arising out of FIR No.204 dated 21.07.2017, under Sections 323, 341, 148, 149, 285 IPC and Sections 25, 54, 59 of Arms Act, and added later on Section 3 (c) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Kalanwali, District Sirsa.

FIR came to be registered on the statement of Veerpal Kaur in relation to an alleged occurrence dated 21.07.2017.

As per complainant's version she along with her son Vazir Singh was physically assaulted by the accused party including the petitioners herein.

During the course of arguments today, it has gone uncontroverted that only simple injuries have been attributed to the petitioners. That apart offence under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was added subsequently on the statement recorded of Vazir Singh (injured). Allegations pertaining to the SC and ST Act were not raised in the complainant's initial version and who happens to be none other than the mother of the deceased.

Notice of motion order was passed by this Court on 01.11.2017 in CRM No.M-40850 of 2017 which reads as follows:-

"It is inter alia contended by learned counsel for the petitioner that only simple injuries are attributed to the petitioner and bare perusal of the FIR does not bear out attraction of any offence under Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (in short, 'the Act') much less under Section 3 (c) of the Act.

Notice of motion for 20.03.2018.

Meanwhile, in the event of arrest, the petitioner be admitted to interim bail on his furnishing bail bonds to the satisfaction of arrest/Investigating Officer; that he will join investigation and will abide by conditions as envisaged under Section 438(2) Cr.P.C."

Likewise Notice of motion was issued in CRM No.M-

41402 of 2017 on 03.11.2017 in the following terms:-

“It is inter alia contended that only simple injuries are attributed to the petitioner and that the very applicability of offence under Section 326 is a debatable issue and that the similarly placed co-accused has been allowed bail vide orders dated 01.11.2017 of this Court.

Notice of motion for 20.03.2018.

Meanwhile, in the event of arrest, the petitioner be admitted to interim bail on his furnishing bail bonds to the satisfaction of arresting/Investigating Officer; that he will join investigation and will abide by conditions as envisaged under Section 438(2) Cr.P.C.

Be listed along with connected matter CRM-M-40850 of 2017.”

State counsel upon instructions from ASI Azad Singh, Police Station Kalanwali, District Sirsa apprises the Court that petitioners in these two connected petitions have since joined investigation.

Under such circumstances, custodial interrogation of the petitioners would not be warranted.

Prayer made in both the petitions is accepted.

Order dated 01.11.2017 passed in CRM No.M-40850 of 2017 and order dated 03.11.2017 passed in CRM No.M-41402 of 2017 are made absolute.

Disposed of.

20.03.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes
No