

In the High Court of Punjab and Haryana at Chandigarh

227

CRM-M-9491-2019

Date of Decision: 10.04.2019

ANKIT KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Manoj Kumar, Advocate for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No. 1441, dated 17.12.2018, under Sections 323, 34, 341 and 506 of the Indian Penal Code ('IPC' - for short) [Section 325 IPC and Section 3(2)(V)(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 added later on], registered at Police Station Karnal Sadar, District Karnal.

Learned counsel for the petitioner contends that in the FIR no overt act has been attributed to the petitioner in causing injuries to the complainant and injured. There is also no allegation of the petitioner having acted in a manner which would amount to offence under SC/ST Act. The petitioner has been arrayed as an accused on the statement of the complainant wherein he is accused of having caused a lathi blow on the hand of the complainant. He also contends that even the allegations made in the statement of the complainant would not prima facie constitute an offence under SC/ST Act. The petitioner is in custody for over three months since his arrest

on 10.01.2019. He further contends that the petitioner is 23 years of age and is not involved in any other case. He also contends that co-accused namely Sehjadi has already been granted the concession of regular bail by a coordinate Bench of this Court in CRM -M-11174-2019 on 19.03.2019.

Learned State counsel, on instructions from ASI Mahavir states that upon completion of investigation in the case, the challan has been presented but no prosecution witness has been examined.

Heard.

In view of the submissions of the learned counsel for the petitioner especially when the co-accused has already been granted regular bail and conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

April 10, 2019

A.Kaundal

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