

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

CRM-M No. 13990 of 2019(O&M)
Date of decision : May 31, 2019

Himmat Singh

..... Petitioner

v.

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. NS Shekhawat, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG Haryana

Mr. Ashwani Bakshi, Advocate
for the complainant.

Ajay Tewari, J (Oral)

The petitioner seeks grant of anticipatory bail in case FIR No.79, dated 26.2.2019, registered under Sections 323, 341, 342, 365, 379-B/34, 120-B of the IPC and Section 3(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Attrocities) Act, at Police Station City Karnal, District Karnal.

As per allegations in the FIR, the complainant was abducted by Ankit, Mishal and two other boys and was taken to a shop in the grain market Indri where he was given beatings. At the same place, the present petitioner (father of Ankit) also came and gave beatings to the complainant and then they took him to another place where he was given further beatings.

On the previous date, counsel for the petitioner had argued that actually the allegations of abduction were wrong and rather the complainant was discovered in the house of the petitioner in a very objectionable state and that is why he was roughed up.

Counsel for the complainant has, however, argued that the petitioner and his family members were enraged with the complainant because he had friendship with the daughter of the petitioner (and there was a caste angle also) and that is why the complainant was abducted and beaten up and was shown to have been recovered from the house of the petitioner.

On the previous date, I had indicated to counsel for the petitioner that atleast one of the persons who were named as original abductors in the FIR should surrender and thereafter the case of the petitioner would be considered. Today, counsel for the petitioner states that Mishal has surrendered (and this fact has been accepted by learned AAG Haryana on instructions from ASI Satbir).

In these circumstances, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner. Resultantly, this petition is allowed and it is directed that in the event of his arrest, the petitioner shall be released on anticipatory bail by the Investigating Officer to his satisfaction subject to the compliance of the provisions as contained in Section 438(2) of the Cr.P.C. It is made clear that any bail application filed by any other co-accused would be decided on its merit.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

May 31, 2019
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No