

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

(I) CRM-M-47924-2018 (O&M)
Date of Decision:-4.7.2019

Sachin ... Petitioner

Versus

State of Haryana ... Respondent

(II) CRM-M-48558-2018 (O&M)

Rahul ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Raghav Sharma, Advocate for the petitioner(s).

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the aforesaid two petitions filed on behalf of the petitioners Sachin and Rahul seeking grant of anticipatory bail in respect of a case registered vide FIR No.610 dated 18.6.2018 at Police Station City Thanesar under Sections 148, 149, 323, 324 and 506 of Indian Penal Code and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Attrocities) Act, 1989.
2. The FIR was registered at the instance of Aman @ Kala, wherein it has been alleged that he is a resident of Village Budedha and is learning the business of financing the vehicles in Kurukshetra. It is alleged that about three years

back there had been scuffle in Kurukshetra University, Kurukshetra between his friend Prince and boys of Village Barna in which his friend Prince was arrested. It is alleged that on 18.6.2018, when the complainant along with his friend Rajat Kumar was having tea near Cygnus Hospital, Sector 17, Kurukshetra, then 7-8 boys armed with sticks and gandases attacked them and caused injuries including injuries on his head and leg. It is alleged that out of the said boys he could identify Rahul, Chandi, Mainti and Sachin.

3. The learned counsel for the petitioners has submitted that even from perusal of the FIR no offence under Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act is made out and there is nothing to suggest that any objectionable utterance has been made. It has further been submitted that, in any case, all the alleged injuries are simple in nature and in these circumstance, the petitioners deserve the concession of bail.
4. Opposing the petition, the learned State counsel has submitted that infact a supplementary statement of the complainant was recorded on the very next day i.e. on 19.6.2018, wherein he categorically stated that all the assailants were well aware that the complainant belongs to SC/ST community and that in these circumstance the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are duly attracted. It has, however, been informed that the petitioners have since joined investigation.
5. I have considered rival submissions addressed before this Court.
6. Even if the supplementary statement is relied upon, still the same would only reflect that the assailants knew about the caste of the complainant, but there is nothing to suggest that the assailants had uttered any objectionable

utterances or had caused injuries solely on account of the fact that the complainant belongs to a particular community.

7. Having regard to the facts and circumstances of the case and without making any comment on the merits of the case, the petitions are accepted and the interim directions issued by this Court vide order dated 29.10.2018 and 1.11.2018 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
8. It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main case.
9. The present petitions stand accepted accordingly.

4.7.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No