

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

226/2

CRM-M-27027-2019.

Date of Decision: 04.07.2019.

Jitender alias Happy

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Karamjit Singh, Advocate for the petitioner.

Mr. Ashish Sanghi, Deputy Advocate General, Haryana.

Shekher Dhawan, J.

Present petition under Section 439 of the Criminal Procedure Code is for grant of regular bail to petitioner Jitender alias Happy in case F.I.R. No.36 dated 28.02.2019 under Sections 148, 149, 323, 325, 341, 427, 307 of the Indian Penal Code [during investigation Section 307 IPC deleted and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 120-B, 150 and 420 IPC added], registered at Police Station Hansi Sadar, District Hisar.

Learned counsel representing petitioner Jitender alias Happy contended that the petitioner is in custody since 05.05.2019 and the offence under Section 307 IPC already stands deleted in this case and the remaining offences against the petitioner are bailable one except the newly added Section 3(2)(v) of the S.C. & S.T. Act. As regard to the offence under S.C. & S.T. Act, there is no injury or utterance of words to anybody even. Co-

order dated 14.05.2019 passed in CRM-M-21051-2019. Trial of the case still to take some more time and no useful purpose would be served by detaining the petitioner behind the bars, so he be released on bail.

Learned State counsel opposed the prayer for bail on the ground that there were total seven injuries to injured and no case is made out for release of the petitioner on bail.

Having considered the submissions made by learned counsel for the parties and the fact that offence under Section 307 IPC has already been deleted and remaining offences are bailable one except offence under Section 3(2)(v) of the S.C. & S.T. Act and even for that offence, there is no injury or utterance of words even. Co-accused Dinesh alias Sudan, Gopal alias Kanda and Dinesh Mongia have already been released on bail, the present petition is allowed. Petitioner—Jitender alias Happy, is ordered to be admitted to regular bail on his furnishing adequate bail bond and surety bond to the satisfaction of concerned learned trial Judge/ Chief Judicial Magistrate/ Duty Magistrate.

(SHEKHER DHAWAN)
JUDGE

04.07.2019

jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No