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

**CRM-M-27991 of 2019**

**Date of decision: July 09, 2019**

Sanjay

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

**Present:** Mr. Raman Chawla, Advocate for the petitioner.

Mr. Rahul Mohan, DAG Haryana.

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**MAHABIR SINGH SINDHU, J (Oral)**

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail to the petitioner, in FIR No.172 dated 06.08.2018, under Sections 323, 34, 341, 452, 506 of Indian Penal Code, 1860 (for short 'IPC') and Sections 3, 3(1)(Gha) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) (for short 'SC/ST Act'), registered at Police Station Uklana, District Hisar.

As per prosecution case, petitioner along with co-accused, namely Aman Kinala abused the complainant with caste words and also caused injuries to him.

Contentends that petitioner is in custody since 05.10.2018 and complainant as well as his son are not only habitual in making false complaints while misusing the provisions of SC/ST Act rather

complainant is a previous convict and also facing another criminal case in FIR No.251 dated 26.07.2014, under Sections 323, 341, 506, 34 IPC, registered at Police Station Agroha. Also contends that out of total 10 prosecution witnesses, only 1 has been examined and there is no other criminal case against the petitioner.

On the other hand, learned State counsel has opposed the bail petition and submitted that there is sufficient material to prove the charges against the petitioner and thus, prayed for dismissal of the same.

Heard both sides and perused the paper-book.

As per the allegation in the FIR, the occurrence had taken place inside a shop, where no other person except the complainant and accused was present, thus, it would be debatable whether provisions of Section 3 of the SC/ST Act are attracted in this case or not?

Concededly, petitioner is in custody since 05.10.2018 and out of total 10 prosecution witnesses, only one has been examined, thus, trial will take long time. It is duly established on record that petitioner as well as his son made similar complaints against other persons also and complainant is not only a previous convict, but facing other criminal case as well.

Thus, keeping in view the facts and circumstances of the present case, no useful purpose would be served by keeping the petitioner in custody anymore; as such, this Court deems it appropriate to release him on bail pending trial.

In view of the above, this petition is allowed. Petitioner is

ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

The petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

**(MAHABIR SINGH SINDHU)**  
**JUDGE**

**July 09, 2019**  
mahavir

Whether speaking/ reasoned: **Yes**

Whether Reportable: **Yes**