

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

**CRM-M No.36636 of 2019 (O&M)
Date of Decision: 09.09.2019**

Aman

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. Arun Beniwal, Deputy Advocate General, Haryana
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in case bearing FIR No.172 dated 06.08.2018, under Sections 323, 341, 452, 506, 34 of the Indian Penal Code, 1860 and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Uklana, District Hisar.

The case of the prosecution is that petitioner along with co-accused, namely, Sanjay abused the complainant with caste words and also caused injuries to him.

Contentends that with the similar allegations, co-accused Sanjay has been granted the concession of regular bail by this Court, vide order dated 09.07.2019 (P-2), passed in CRM-M-27991-2019 and petitioner is in custody since 05.10.2018. Also contends that no other criminal case is pending against the petitioner.

The above factual position is duly acknowledged by learned State Counsel on instructions from ASI Hanuman Singh, but opposed the bail application.

Heard both sides and perused the paper-book.

There is no dispute that petitioner is in custody since 05.10.2018; no other criminal case is pending against him and co-accused Sanjay with the similar allegations has been granted the concession of regular bail by this Court, vide order dated 09.07.2019 (P-2) while observing as under:-

“ 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.”

As acknowledged by learned State Counsel, no other prosecution witness has been examined uptill date after granting bail to co-accused Sanjay. Consequently, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing 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.

It is clarified that in case there is any recurrence on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

September 09, 2019

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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>