

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

CRM-M-11619-2020 (O&M)
Date of Decision:- 14.7.2020

Deepak Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Mamta Panwar, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.172 dated 20.6.2019 under Sections 148/149/323/355/365/506 IPC and Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Attrocities) Act, 1989 at Police Station Gohana Sadar, District Sonapat.
2. The FIR was registered at the instance of Tushar wherein it has been alleged that on 16.6.2019, when he was standing at Bus Stand, Shamdi, Ajay and Ankit came there and pointed a knife towards his stomach and touched his stomach with the said knife and made him sit on a bike and took him to a lonely place where another 3-5 persons were already present. It is alleged that Sunny started urinating on his face and when he objected to the same then Ajay and Ankit hurled abuses while stating that this is what the

complainant deserves and spoke contemptuously regarding the caste of the complainant and stated that they would show the complainant his place and status. When the complainant tried to run away, the said persons started giving beatings to him mercilessly and threatened to kill him. It is alleged that the said persons were armed with '*sticks*' and '*wooden handles of spades*'. Sunny is also stated to have made video-recording of the occurrence and later when the complainant fell down unconscious on account of merciless beatings, the accused left thinking that the complainant had expired. Subsequently, the complainant was found by one boy Neera, who took him home. Later, the complainant was taken to hospital where he remained under treatment. Subsequently, the complainant went to the police station but on account of the influence of fathers of two of the accused namely Ankit and Sunny, the police did not take any action immediately and got a compromise effected. However, when the complainant came out of the police station, the accused Sunny took out a pistol and again threatened him and while speaking contemptuously about the caste of the complainant. It is also alleged that later the video recording of the beatings given to the complainant was also made viral.

3. The learned counsel for the petitioner has submitted that even if the allegations as levelled in the FIR are taken to be correct, it is at best a case of causing of simple injuries and that no specific role is attributed to the petitioner Deepak Kumar, who is otherwise stated to be present when beatings were allegedly given to the complainant.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made

out. It has, however, been informed that the petitioner has been behind bars since the last about 1 year and till date only 2 out of the cited 18 prosecution witnesses have been examined and that the petitioner is not involved in any other case.

5. Having regard to the facts and circumstances of the case and while noticing the custody period of the petitioner and that the petitioner is not involved in any other case and also that the trial is not likely to be immediately concluded, further detention of the petitioner will not serve any useful purpose.
6. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14.7.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No