

Sr. No.205
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-13236 of 2020 (O&M)

Date of Decision: 15.06.2020

Ram Niwas and another

...Petitioners

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Parveen Kumar Rohilla, Advocate,
for the petitioners.

Mr. Gaurav Jindal, Additional A.G., Haryana.

Mr. Arjun Sheoran, Advocate,
for the complainant.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

The petitioner is seeking regular bail in case FIR No.332 dated 01.11.2018 registered under Sections 120-B, 153-A, 504, 505, 506 IPC, and Section 3 (1) (n) (q) (r) (z) (z-a), 3 (2) (v) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Police Station Sadar Hansi.

2. As per allegations in the FIR, the petitioners along with few others inflicted injuries to boys from Dalit Community at a hand-pump amid filling of water. The petitioners allegedly declared social boycott of Scheduled Caste Community of the village on 14.08.2017. Complainant called up one of the accused, namely Subhash, who is a barber, for hair cut of his children but he refused to do so and expressed his helplessness due to call of social boycott. Further, per FIR, petitioner No.1-Ram Niwas refused to give rashan from his karyana shop to the complainant due to social boycott call.

3. Learned counsel for the petitioners contends that petitioners are not members of the Bhaichara Committee. They are having good relations with Dalit Community and only because of pressure put by Bhaichara Committee, they had refused the complainant. He further submits that petitioners have been falsely implicated and no specific role have been attributed to any of them.

4. Learned counsel for the petitioners submits that co-accused have already been granted regular bail by a coordinate Bench of this Court vide order dated 13.05.2020.

5. Notice of motion.

6. Mr. Gaurav Jindal, Additional A.G., Haryana, who has joined the proceedings on service of advance copy of petition, accepts notice on behalf of State of Haryana.

7. On a query posed by this Court, learned State counsel submits that Investigation of the case is already over and challan has been filed. The custodial interrogation of the petitioners is no more required. The petitioners are in custody since 13.03.2020. The trial is not likely to conclude anytime soon.

8. Without expressing any opinion on the merits of the case, the petition is allowed. The petitioners are ordered to be released on regular bail on their furnishing bail bonds to the satisfaction of learned Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate concerned.

(ARUN MONGA)
JUDGE

15.06.2020
Shalini

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No