

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

Crl. Misc. M-15422 of 2020
Date of decision: 01.07.2020

210

Sushil @ Sili

....Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Priyavrat Parashar, Advocate,
for the petitioner.

(Aforesaid proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks regular bail in a petition filed under Section 439 Cr.P.C. in FIR No. 464 dated 19.10.2019 under Sections 148, 149, 323, 341, 506 IPC and Section 3(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act), 1989 registered at P.S. Civil Lines, Kaithal.

Counsel for the petitioner has argued that the role of the petitioner in the FIR is that he had attacked the complainant Parveen with a Tomahawk (*gandasi*) upon his feet alongwith Sunil and others. He had also abused him in the name of caste and the brawl had taken place on account of suspicion of being involved in another incident. It is submitted that the petitioner has been in custody since 07.01.2020. Reference is also made to the Medico Legal Report (Annexure P-2) to show that the injuries are simple in nature. It is submitted that the bail as such has been rejected on the ground that there are two other criminal cases, as contended by the State

counsel.

Keeping in view the fact that the petitioner is in custody for almost 6 months and the non-bailable offences are under Section 506 IPC and under the provisions of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act), 1989. Thus, this Court is of the opinion that the petitioner is entitled for bail in the facts and circumstances on account of the nature of injuries also which would not fall within the ambit of Section 326 and he has undergone reasonable period of detention.

Accordingly, the present petition for regular bail is allowed. The petitioner shall be released on regular bail on furnishing of bail bonds/sureties to the satisfaction of Duty Magistrate/Illaqa Magistrate, Kaithal.

01.07.2020
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No