

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-16993 of 2020

Date of Decision: 16.07.2020

Sushil @ Sili

...Petitioner (s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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

Ms. Gaganpreet Kaur, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.478 dated 25.10.2019 under Sections 148, 149, 323, 427 and 307 IPC and Section 3 of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 (for short, "the SC/ST Act") registered at Police Station Civil Lines, Kaithal.

Learned counsel for the petitioner has referred to the MLR conducted on the person of injured Amandeep and argued that the alleged injuries were inflicted with blunt weapon. In the FIR, it has been alleged that the injuries were inflicted with *gandasi* blow. He further submits that the offence under the SC/ST Act has been invoked so as to make the

offence graver, though otherwise the ingredients for invoking the offence under the SC/ST Act are not fulfilled. The petitioner is in custody since 07.01.2020.

State counsel submits that there are as many as eight injuries on the person of the injured and two more cases are registered against the petitioner.

However, at this stage, learned counsel for the petitioner submits that he is on bail on other cases registered against him.

I have heard learned counsel for the parties.

As per the MLR, the injuries inflicted on the person of the injured are with blunt weapon and the culpability as regards the commission of the offence under Section 307 IPC is a debatable one. Considering the fact that the petitioner, is in custody since 07.01.2020 and trial in the case will take sufficient long time, this Court deems it appropriate to release the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, it is made clear that in case the petitioner is founded indulged in any other case or he extends any threat to the complainant in any manner, the prosecution shall be at liberty to seek cancellation of his bail.

July 16, 2020
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No