

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

Sr. No.210

**CRM-M-18616-2020**

**DATE OF DECISION: July 31, 2020**

**HARPAL**

**...PETITIONER**

**VERSUS**

**STATE OF HARYANA**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. Surinder Singh Siao, Advocate, for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

Mr. Satish Saini, Advocate, for the complainant.

\*\*\*\*\*

**SUDHIR MITTAL, J. (ORAL)**

The petitioner seeks grant of regular bail in case FIR No. 89 dated 14.04.2020 registered at Police Station Nissing, District Karnal, under Sections 148, 149, 323, 324, 326 IPC and Section 3(2) (VA) of The Schedules Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989.

2. According to the FIR, some persons entered into the house of the complainant and caused injuries with sharp edged weapons and other weapons upon the complainant and some other people who had collected in his house. This led to the registration of the aforementioned FIR.

**CRM-M-18616-2020**

3. Learned counsel for the petitioner submits that the petitioner has been in custody since the date of registration of the FIR. The petitioner is alleged to have been armed with an '*iron hathi*' whereas recovery shown to have been effected from him is of a *danda*. The grievous injury caused to the complainant has not been attributed to the petitioner. Investigation is complete but charge has yet not been framed and thus, the trial is not likely to be concluded at an early date. The petitioner may consequently be granted regular bail.

4. Learned State counsel admits that charge has yet not been framed.

5. Learned counsel for the complainant submits that there are a total of 12 accused and only 03 have been arrested till date. The grievous injuries were inflicted on other persons also and being members of the Scheduled Castes community, it is apprehended that in case the accused persons are granted regular bail, they will intimidate the witnesses.

6. From the submissions made by the learned counsel, it is evident that recovery of a *danda* is shown to have been effected from the petitioner although in the FIR he is shown to have been armed with '*iron hathi*'. There is nothing on record to indicate that any injuries were inflicted with an '*iron hathi*' and thus, false implication of the petitioner cannot be ruled out. The trial is not likely to be concluded at an early date because even charges have not been framed as yet. Investigation is complete and thus, the likelihood of tampering with evidence is remote. In case, the complainant and the other injured persons are intimidated by the petitioner after being released on bail,

they would be entitled to bring the same to the notice of the police and seek cancellation of bail.

7. For the aforementioned reasons, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

July 31, 2020  
*Ankur*

(SUDHIR MITTAL)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |