

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-18734-2020 (O&M)
Date of Decision:-14.12.2020

Aslam and others

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mrigank Sharma, Advocate for the petitioners.

Ms. Sheenu Sura, DAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.202 dated 31.7.2018 at Police Station Chandimandir, Panchkula under Sections 148, 149, 323 and 506 of Indian Penal Code and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. At the time of issuance of notice of motion the following order was passed:

“ The learned counsel for the petitioners contends that it is a case of cross-version where FIRs at the instance of both the parties have been registered in respect of the same incident on the same

very day i.e. on 31.7.2018. It has further been submitted that the complainant in the present case has infact levelled false allegations by resorting to exaggerations and as many as 47 persons have been nominated as accused. It has further been submitted that a perusal of FIR itself would show that, in any case, no offence under SC/ST Act would be attracted as not a single word regarding caste of the complainant has been uttered by any of the accused.

Notice of motion for **19.11.2020**.

Meanwhile, in the event of arrest, the petitioners be released on interim bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned counsel for the petitioners has submitted that it is a case where on account of some rivalry in the village, a false case has been registered against the petitioners wherein as many as 47 persons have been nominated as accused. It has further been submitted that infact a cross-version also lodged at the instance of the other party i.e. the petitioners’ side as would be evident from the FIR No.207 dated 31.7.2018 registered at Police Station Chandimandir, District Panchkula under Sections 148, 149, 323, 506, 354 and 452 of Indian Penal Code (Annexure P-2). It has also been contended that none of the injury had been declared as a grievous injury and offence under SC/ST Act had been added after more than one year just in order to harass the petitioners and to ensure that they are arrested.

4. Opposing the petition, learned State counsel has not disputed that it is a case of cross-version and that no grievous injury was ever caused by any of the petitioners. It has also been informed that pursuant to interim directions, the petitioners have since joined investigation and in fact challan also stands presented.
5. I have considered the rival submissions addressed before this Court.
6. While noticing the aforesaid position, wherein there is no grievous injury attributed to the accused and that a large number of persons have been arrayed as accused in FIR and it is a case of cross-version, the petition is disposed of with a direction to the petitioners to surrender before the trial Court within one week from today. In case the petitioners surrender before the trial Court and move an application for grant of regular bail in the forenoon of the day, the trial Court shall endeavour to dispose of the same expeditiously preferably on the day of filing of such application itself.
7. The petition stands disposed of with the aforesaid directions.

14.12.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No