

CRM-M No. 20017 of 2020
CRM-M No. 20155 of 2020

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225 (2 cases)

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

CRM-M No. 20017 of 2020
Date of Decision: 10.08.2020

Gurmukh Singh

-Petitioner

Vs

State of Haryana

-Respondent

CRM-M No. 20155 of 2020

Lovepreet Singh

-Petitioner

Vs

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R.S. Mamli, Advocate,
for the petitioner (in CRM-M No.20017 of 2020).

Mr. U.K. Agnihotri, Advocate,
for the petitioner (in CRM-M No.20155 of 2020).

Mr. Surender Singh, A.A.G., Haryana.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through
video-conferencing.

Vide this common order, CRM-M No. 20017 of 2020
titled 'Gurmukh Singh vs State of Haryana' and CRM-M
No.20155 of 2020 titled 'Lovepreet Singh vs State of Haryana'
are being disposed of.

Petitioners seek grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.63 dated 12.03.2020 under Sections 148, 149, 307, 324, 341, 506 IPC (Section 326 IPC added subsequently) and under Section 3(1) (r), 3(1) (s), 3(2) (v), 3(2) (va) of SC/ST Act, 1989 registered at Police Station Ismailabad, District Kurukshetra.

FIR was registered at the instance of Charan Dass with the allegations that about 04 years back, accused Ajay Goraya had caused injuries to him, but the matter was compromised in the Panchayat. Aforesaid Ajay Goraya was having grudge against the complainant. On 10.03.2020, i.e. the day of Holi, complainant along with his friends Ravi and Jitender were going to Thaska Miranji in a car of his friend Sanju. Near a liquor vend, they alighted from the car to answer the call of nature. From the side of liquor vend, Ajay Goraya and Maninder Sodhi came and started abusing them. The complainant along with others sat in the car and came back to village Thaska Miranji. Sanju dropped them near the street and went away. At about 2.00 PM, when the complainant and his friends were going, then near the bara of Ram Chander, 5-6 motorcycles came. About 15-20 persons were present, armed with deadly weapons. They surrounded the complainant. Ajay Goraya was armed with sword. Prince was armed with Gandasi. Amarjeet

Singh was armed with binda, Maninder Sodhi was armed with binda, Manpreet Singh was armed with danda, Vachitar Singh was armed with danda and petitioner was armed with danda along with other unknown persons who were also armed with danda and bindas. Ajay Goraya raised lalkara and hit the complainant with sword on his neck. The blow hit on the left side. Prince hit the complainant with gandasi and the complainant in order to save him took the blow on his right hand and thus received injuries on his arm. Prince again inflicted gandasi blow on left arm, due to which he fell down. Ajay Goraya, Gurmukh Singh, Manpreet Singh, Vachitar Singh, Amarjeet Singh, Maninder Singh and other boys attacked upon the complainant and when friends of the complainant namely Ravi and Joginder tried to save him, they were also attacked. On raising alarm, several persons attracted at the spot, but the assailants kept on beating them and also abusing them in the name of Caste. Thereafter, they fled away from the spot.

Petitioner was armed with danda. He is alleged to have inflicted injuries on the person of complainant which is found to be a simple injury. Lovepreet Singh was not named in the FIR. He was named in the statement of eye witness under Section 161 Cr.P.C. Simple injury is also attributed to him.

As regards the allegation forming subject matter of

SC/ST Act, there is no specific attribution qua the petitioners except to allege that all the assailants abused the complainant and others in the name of Caste. The complainant received four injuries on his person. Injury No.2 is fracture of radius with radio Ulnar Joint dislocation. The injury is attributed to co-accused. Qua other injuries, no fracture was seen in the x-ray report dated 11.03.2020.

Petitioners are in custody since 30.05.2020 and 01.04.2020 respectively.

Offence under SC/ST Act would remain debatable in the absence of specific attribution. The case would remain debatable in terms of pleadings qua knowledge of the accused persons whether the complainant belongs to SC/ST category or not.

Learned State counsel submits that challan has already been presented, but charges have not been framed.

Looking to the present situation arising out of pandemic COVID-19, there is every possibility of further delay in progress of the case before the trial Court.

In view of above, petitioners are directed to be released on regular bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed
to be an opinion on the merits of the case.

10.08.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No