

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

Criminal Misc. No. M- 21883 of 2020

Date of Decision: September 14 , 2020.

Tinku @ Yogi

..... PETITIONER

Versus

State of Haryana

..... RESPONDENT

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Ajay Kumar, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioner seeks bail pending trial in FIR No.464 dated 19.10.2019, under Sections 148/149/323/341/506 IPC and Section 3(2) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, the 'SC/ST Act'), registered at Police Station Civil Line, Kaithal, Haryana.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The petitioner, it is stated, was not named in the abovesaid FIR which was registered on 19.10.2019 in respect to an incident allegedly took place on 18.10.2019 at 6.00 p.m. The petitioner was named subsequently by the complainant in his supplementary statement (Annexure P1) recorded on 27.10.2019. Even as per the said statement, the petitioner is alleged to be armed with a stick, but no specific injury has been attributed to the

present petitioner. As per the medico-legal report of the complainant, he has received five injuries which are opined to be simple in nature. The petitioner has been in custody since 21.11.2019 and is not involved in any other criminal case. It is averred that the offence punishable under Section 3(2) of the SC/ST Act has been incorporated only with a view to enhance the seriousness and gravity of the case. The co-accused Deepak and Sushil @ Sili are stated to have been granted the concession of bail pending trial on 13.08.2020 in CRM No.M-21246 of 2020 and on 01.07.2020 in CRM No.M-15422 of 2020, respectively. It is argued that the petitioner is on a better footing than the said co-accused. The petitioner undertakes not to misuse the concession of bail, if afforded to him. It is thus prayed that this petition be allowed.

Learned counsel for the State is unable to deny that the co-accused, Deepak and Sushil @ Sili have been afforded the concession of bail pending trial. It is further not denied that the petitioner was named subsequently, in the supplementary statement of the complainant, recorded on 27.10.2019 and that the petitioner has not been attributed with any specific injury.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

The petitioner has been in custody since 21.11.2019. Challan/final report under Section 173 Cr.P.C. stands presented. Trial in this case is not likely to conclude in the near future, especially in view of the peculiar situation which

has arisen due to outbreak of the pandemic, COVID-19.

Keeping in view the facts and circumstances of the case, but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate concerned.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

September 14 , 2020.
'om'

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No