S.No.103

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-21958 of 2020 (O&M)

Date of Decision:07.08.2020

Man Singh **.....Petitioner**

Vs.

State of Haryana **.....Respondent**

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IN VIRTUAL COURT

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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. N.P. Bhardwaj, Advocate for the petitioner.

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Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.0125 dated 18.06.2020 registered under Sections 323/341/506/34 IPC and 3 of SC & ST (prevention of Atrocities) Act, 1989 at Police Station Chhapar Jagadhri, District Yamunanagar.

It is contended by counsel for the petitioner that the case against the petitioner is concocted. The complainant himself had caused injuries to the co-accused of the petitioner. As a shield to save himself from the criminal charge, he has invoked his Caste to level allegations against the petitioner under the SC/ST Act, otherwise, it is a matter of cross case, where the co-accused of the petitioner has been caused injury with sharp edged weapon, whereas the alleged injury on the body of the complainant is only a blunt blow. Still further, it is submitted that there is no other case against the petitioner. The provisions of SC/ST Act are not attracted in the matter, even if the allegations are taken on its face value.

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Notice of motion.

Mr. Vikrant Pamboo, DAG, Haryana, accepts notice on behalf of the State.

Learned State Counsel, on instructions from DSP Shamsher Singh, Yamunanagar, submits that there are specific allegations against the petitioner. The complainant has even alleged the offence under the SC/ST Act. However, it is not disputed that the co-accused of the petitioner has also been caused injury by the side of the complainant.

In view of the above submissions, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/ surety bonds to the satisfaction of Arresting/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

August 07, 2020 **(RAJBIR SEHRAWAT)**
renu **JUDGE**

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No

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