

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

CRM-M-25740-2020

Date of Decision: 11.09.2020

MANINDER SINGH SODHIPetitioner

Vs

STATE OF HARYANARespondent

CRM-M-25759-2020

MANPREETPetitioner

Vs

STATE OF HARYANARespondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Ashit Malik, Advocate
for the petitioner in CRM-M-25740-2020.

Mr. S. K. Aggarwal, Advocate
for the petitioner in CRM-M-25759-2020.

Mr. Rajat Gautam, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

Both the cases have been taken up for hearing through video conferencing.

Vide this common order, CRM-M No.25740 of 2020 and CRM-M No.25759 of 2020 are being decided. Since both the petitions have arisen from the common FIR, therefore, common facts are being noticed.

Petitioner(s) seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.63 dated 12.03.2020, registered under Sections 148, 149, 323, 324, 326, 307, 341, 506 IPC and Sections 3(1)(r), 3(1)(s), 3(2)(v), and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention and Atrocities) Act, at P.S. Ismailabad, District Kurushetra.

The FIR was registered at the instance of one 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. Owing to the aforesaid occurrence, Ajay Goraya was having some grudge against the complainant. On 10.03.2020, i.e., on the festival of Holi, complainant alongwith his friends namely Ravi and Jitender were going to Thaska Miranji in a car of his friend Sanju. Near a liquor Vend, they alighted from the car in order to answer the call of nature. At that time Ajay Goraya and Maninder Sodhi appeared from the side of liquor Vend and started abusing them. The complainant alongwith others sat in the car and came back to village Thaska Miranji. Sanju dropped them near the street and then went away with the car. At about 2:00 PM, when the complainant and his friends were going, then near the bara of Ram Chander, 5-6 motorcyclist came there. In all there were 15 to 20 persons duly 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. Gurmukh Singh was armed with danda alongwith other unknown persons who were also armed with dandas and bindas. Ajay Goraya raised a lalkara and hit the complainant with his sword on his neck. The blow landed 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 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 the complainant. When the friends of the complainant namely Ravi and Joginder tried to save him, they were also attacked by the assailants. Several persons attracted at the spot on hearing alarm, but the assailants kept on beating them and also abusing them in the name of Caste. Thereafter, they fled away from the spot.

Petitioner-Maninder Singh was armed with danda and petitioner-Manpreet Singh was also armed with danda. They are authors of simple injuries on the person of the complainant. Co-

accused Gurmukh Singh has already been granted regular bail by this Court in CRM-M No.20017 of 2020 vide order dated 10.08.2020. While granting bail to the co-accused, this Court has noticed that there is no specific attribution qua the accused for the offence under SC/ST Act, except to allege that all the assailants abused the complainant and others in the name of his Caste. The roles attributed to the petitioners are of inflicting simple injuries to the complainant.

Mr. Rajat Gautam, DAG, Haryana, on instruction from S.I. Kuldeep Singh has admitted the aforesaid fact that only simple injuries are attributed to the petitioners. He further submits that the challan has been presented but the charges have not been framed so far.

For the reasons mentioned hereinabove as well as the reasons mentioned in CRM-M No.20017 of 2020 and also looking to the present situation arising out of pandemic COVID-19, there is every possibility of further delay in progress of the trial.

In view of the above, petitioner(s) is/are directed to be released on regular bail, subject to his/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 expression of any opinion on merits of the case.

11.09.2020

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**(RAJ MOHAN SINGH)
JUDGE**

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

