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

**CRM-M No.28424 of 2020 (O&M)
Date of Decision: 24.09.2020**

VACHITAR SINGH

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

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

Present: Mr. Sagar Aggarwal, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

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

Petitioner 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 under Section 3(1)(r), 3(1)(s), 3(2)(v), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 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. From there they alighted from the car near a liquor vend 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 encircled 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, Petitioner was armed with danda and Gurmukh Singh 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 ultimately landed on the left side of neck. 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 the complainant fell down. Thereafter all the accused 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 to 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.

Apparently, petitioner was armed with danda and his role is at par with co-accused Gurmukh Singh, who has been enlarged on regular bail vide order dated 10.08.2020 passed in CRM-M No.20017 of 2020. Co-accused Lovepreet Singh has also been granted regular bail vide order of even date passed in CRM-M No.20155 of 2020. Petitioner is in custody since 01.04.2020.

Factum of details of the case have not been disputed by learned State counsel. Challan has already been presented, but charges have not been framed so far.

Offence under SC/ST Act would remain debatable in the absence of specific utterances. 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.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

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

September 24, 2020

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No