

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

**CRM-M-625 of 2020
Date of Decision:-03.02.2020**

Balkar and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Kanwardeep, Advocate
for the petitioners.

Mr. Munish Sharma, AAG, Haryana.

JASGURPREET SINGH PURI J.(Oral)

Petitioners have filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 502 dated 18.7.2019, under Sections 148, 149, 307, 323, 379-A and 506 IPC, registered at Police Station Gharaunda, District Karnal.

Learned counsel for the petitioners has submitted that in the present case the petitioners have been wrongly roped in because even as per the FIR itself the only role, which is attributed to the petitioners is that they had instigated 7-8 transgenders, who were present on the spot and had given beatings to the complainant. He has further stated that even otherwise also the main role is attributed to the transgenders and out of six, four of them have been granted anticipatory bail by this Court on 18.12.2019 in CRM-M

Nos.53334, 53336 and 53350 of 2019.

Per contra learned State counsel on instructions from ASI Karambir has stated that the petitioners are in custody since 19.7.2019 and the matter is serious in nature in view of the fact that the alleged occurrence had taken place on a national highway and that the same is now becoming a routine. Therefore, in view of the gravity and seriousness of the offence, he opposed the grant of bail to the petitioners.

I have heard learned counsel for the parties and perused the record.

In the present case, as per the FIR, the complainant, who was a customer at Dhaba had filed a complaint to the police that the petitioners, who are running a Dhaba, had instigated the transgenders, who were present there, had allegedly beaten the complainant but no direct role is attributed the petitioners with regard to the injuries suffered by the complainant. Some transgenders have also been granted anticipatory bail by this Court vide order dated 18.12.2019. There appears to be some force in the arguments of learned counsel for the petitioners that the petitioners, who are running a Dhaba business may not indulge in such act so far as the customers are concerned and those were the transgenders, who had appeared on the scene of occurrence and indulged in the beatings given to complainant.

Considering the totality of circumstances and after going through the records, I deem it appropriate to grant the benefit of bail to the petitioners. Consequently, the present petition is allowed. It is ordered that the petitioners shall be released on regular bail on their furnishing bail

bond/surety to the satisfaction of the learned trial Court.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

February 03, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No