

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

205

**CRM-M-16716-2021
Decided on : 16.06.2021**

Shyam Lal

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Yashdeep Nain, Advocate
for the petitioner(s).

Mr. Deepak Bhardwaj, DAG, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 13, dated 30.01.2021, registered under Sections 3(1)(x) and 3(i)(xiv) of the SC & ST (Prevention of Atrocities) Act, 1989 and under Sections 147, 149, 323 & 506 of IPC, lodged at Police Station Raipur Rani, District Panchkula.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand on account of inimical relations between his employer and the complainant party. He further contends that just to add gravity to the crime allegedly committed, offences under Sections 3(1)(x) and 3(i)(xiv) of the SC & ST Act, have been added in the FIR in question by alleging that the petitioner had passed the casteist remarks against the complainant party. Learned counsel further contends that it is a case of version and cross-version, wherein, both the parties had received injuries. In support of his contention, learned counsel has invited the attention of this Court towards Annexure P-3, which is copy of MLR of the accused party dated 29.01.2021, wherein, the injuries received by them in the alleged occurrence clearly stands reflected.

Learned counsel for the petitioner further contends that the injury attributed to the petitioner is a fist blow near the eye of the

complainant attracting the mischief of Section 323 IPC. Hence, a prayer has therefore been made to extend the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future and he has already been in custody for almost 04 months.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ACP-Satish Kumar has apprised the Court that the injury attributed to the petitioner is not under Section 323 IPC, but under Section 325 IPC. He has further submitted that the challan has been presented and the charges are likely to be framed in the near future.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner has been in custody since 22.02.2021, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

June 16, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*