

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
(217-1)**

**CRM-M-22029-2021
Date of decision:-22.07.2021**

Balinder Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, AAG, Haryana.

...

SUVIR SEHGAL, J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.3 dated 03.01.2021 registered for offences under Sections 148, 149, 307, 323, 341, 452, 506 and 509 of the Indian Penal Code, 1860 and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Ladwa District Kurukshetra.

FIR (Annexure P-1) has been registered on the complaint of Mukesh Kumar on the allegation that on 03.01.2021 when his wife was sweeping the lane, Balinder came on the spot and hurled abuses at her. Upon hearing the commotion, the complainant came on the spot and hot words were exchanged between the parties and Balinder threatened to teach

them a lesson. Later, Balinder accompanied by Raj Kumar, Tilli, Sumit, Joni and 6-7 other boys with muffled faces came and attached the complainant and his family members and inflicted injuries upon them.

Counsel representing the petitioner has urged that though the petitioner is named in the FIR but there is no accusation of causing any specific injury to the injured or the complainant. He submits that the injuries allegedly inflicted by the accused have been declared to be simple and offence under Section 307 IPC and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is not made out. He has placed reliance upon orders dated 28.05.2021 (Annexures P-1 and P-2) and order dated 29.06.2021 passed in CRM-M-22783-2021, whereby co-accused have been released on bail. He submits that the investigation is complete, challan has been presented and the petitioner who is in custody since 04.01.2021 deserves to be enlarged on bail.

Per contra, learned State counsel upon instructions from DSP Bharat Bhushan submits that the petitioner is alleged to have instigated the co-accused and given blows to the injured. As per his instructions, no recovery has been effected from the petitioner. He submits that Section 307, IPC has been added as it has been opined by the Doctor that had timely treatment not been given, the injury could have been dangerous to life.. Upon further instructions, he submits that challan has been presented on 04.03.2021 and the trial is fixed for 16.09.2021 for consideration on framing of the charge.

I have considered the respective submissions of the parties.

The case of the petitioner is at par with other co-accused, who have released on bail.

Keeping in view the above facts and circumstances, period of incarceration of the petitioner, nature of allegations, gravity of offences and the fact that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind bars any further.

Without commenting on the merits of the case, the petition is allowed and the petitioner-Balinder Kumar is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

22.07.2021
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No