

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

**CRM-M-23557 of 2021 (O&M)
DECIDED ON: 26th JULY, 2021**

Sonu Kumar

....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Rao Ajender Singh, Advocate for petitioner.

Ms. Dimple Jain, AAG Haryana.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition for grant of anticipatory bail in case of FIR No.143 dated 2.6.2021, under Sections 186, 332, 353, 427 of Indian Penal Code, 1860 (Section 506 IPC added later on) and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for short 'SCST Act') registered at Police Station Khol, District Rewari.

Brief facts relevant are that on helpline a call was received from one Poonam informing that Sonu (petitioner) is having a weapon to kill her, the police help was sought. Acting on the information, Sub Inspector (SI) accompanying the police officials proceeded to the spot. The petitioner on seeing the police, became furious and uttered caste related words to Constable Satbir. He twisted the arm of SI and pushed him, as a result, SI fell on the floor and sustained injuries.

Learned counsel for the petitioner argued that it is a case of false implication. The police party consisted of four officials, the story put forth is improbable that in presence of four police officials, the SI was man handled by the petitioner. The petitioner was not known to the constable in the police party,

no case is made out for SCST Act.

Learned State counsel relies upon the pleadings in the reply filed. She submits that as per MLR of Subhash Chand, there is a pain in the left elbow, left hand, left shoulder and in right middle finger. She submits that it was a case of attack on the police party.

No recovery is to be made in this case. No comment is made at this stage with regard to the case set up that in presence of four police officials, the SI was man handled. There is no grievous injury sustained by SI as per the MLR. It is not forth coming from the reply filed that the petitioner was known to Constable Satbir and knew about his caste.

Considering the facts and circumstances of the case in totality, it is not a case where the bar under Section 18 of the SCST Act shall apply.

The petitioner is granted pre-arrest bail subject to his joining the investigation within two weeks. In the event of arrest, he shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the investigating officer. He is directed to join investigation as and when called for. He shall be bound by the conditions as envisaged under Section 438(2) Cr.P.C.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

In case of failure of the petitioner to join the investigation, the State would be at liberty to file an application for recalling of this order.

26th JULY, 2021
reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned *Yes*
Whether reportable *Yes*