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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.25286 of 2021 (O&M)

Date of decision: 09.07.2021

Vijender Singh @ Bijender

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Partap Singh, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.88 dated 13.05.2021, for offence punishable under Sections 147, 149, 323, 379, 506 of the Indian Penal Code, 1860 (in short 'IPC') and 3(1)(g) and 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Sections 147 IPC and Section 3(1)(g) of the SC&ST Act stands deleted later and Section 3(2)(va) of the SC&ST Act was added) registered at Police Station Julana, District Jind.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of one Didar Singh that he is the Sarpanch of the village and the Panchayat has a water tanker which is used by the inhabitants of the village on all occasions. A day prior to the date of registration of the FIR, Yogesh, the nephew of Bijender and some unknown person came to him for taking water

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tanker and he told them that the same is already booked for the marriage of Dharampal's granddaughter. Thereafter, Yogesh went back and the complainant after sometime, received a phone call from the petitioner wherein he used filthy language and started abusing him and thereafter, the petitioner along with Bunti, Monu, Amit, Sumit, Aman, Nitin and one son of Sanjay, came there, carrying wooden sticks in their hands and started using abusive language and on the instigation of the petitioner to teach a lesson to Sarpanch for refusing to provide water tanker, they attacked him, his brother Pritam and Karnail with wooden sticks as per the details given in the FIR.

Counsel for the petitioner has further submitted that it is stated in the FIR that while leaving the place of occurrence, Nitin took mobile phone of the complainant along with the gold chain and had thrown the same in the pond near his house. It is also submitted that while going, all the accused threatened the complainant with dire consequences.

Counsel for the petitioner has also argued that the petitioner was arrested on 28.05.2021; the investigation is complete; he is in custody for the last about 01 month and 11 days. It is also stated that the petitioner and others have been implicated on account of a party faction in the village and the complainant is habitual of filing false complaints under the SC&ST Act against other persons in order to snub them.

Lastly, it is submitted that vide order dated 17.06.2021 passed in CRM-M No.23369 of 2021 wherein noticing the aforesaid facts, one of the co-accused namely Yogesh was granted the concession

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of interim anticipatory bail.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail. Counsel for the State on the basis of the FIR has argued that it is the petitioner at whose instance the other accused have caused injuries, however, it is not disputed that none of the injury was declared grievous in nature.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 01 month and 11 days; the co-accused of the petitioner is already released on interim bail; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

09.07.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No