

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.29941 of 2021 (O & M)
Date of decision:05.08.2021

Satish Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Davneet Sangwan, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUVIR SEHGAL J. (ORAL)

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

The petitioner is seeking regular bail in case FIR No.3 dated 03.01.2021 registered under Sections 148, 149, 307, 323, 341, 452, 506 of Indian Penal Code, 1860 and Sections 3(2)(V) of the 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 attacked the complainant and his family members and inflicted injuries upon them.

Counsel for the petitioner contends that the petitioner is not named in the FIR and has been falsely framed. It is his argument that there are no allegations, attracting offences under Section 307 of IPC and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, against the petitioner. He submits that the petitioner, who is in custody since 01.07.2021 and has clean antecedents, deserves to be enlarged on bail as the investigation is complete, challan has been presented and the trial is likely to take time.

Per contra, State counsel upon instructions from ASI Mainder, has opposed the petition and has submitted that the petitioner was a member of an unlawful assembly, and actively participated in causing injuries and hurling abuses on the complainant and his family. He, however, could not deny the fact that the two injuries suffered by Savita, sister-in-law (bhabhi) of the complainant, have been declared to be simple. Upon further instructions, he submits that the challan against the petitioner has been presented on 04.08.2021 and the case is fixed for 16.09.2021 for consideration on the framing of the charge.

I have considered the rival submissions of the counsel for the parties.

The case of the petitioner is at par with that of co-accused, Lokesh, who has been granted bail by this Court vide order dated 28.05.2021, Annexure P-3.

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

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the 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.

05.08.2021
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(SUVIR SEHGAL)
JUDGE

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