

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

109

CRA-S-979-2021

Date of Decision : 17.09.2021

Pardeep Mor

..Appellant

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ravinder Phogat, Advocate for the appellant.

Mr. Gaurav Bansal, AAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

The present appeal has been filed under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short, 'SC/ST Act') for the grant of regular bail to the appellant in respect of FIR No.146 dated 29.06.2021 registered under Sections 195-A and 506 of the IPC and Section 67 of the Information Technology Act, 2000 and Section 3(2) (VA) of the Scheduled Castes and Scheduled Tribes (prevention of Atrocities) Act, 1989 at Police Station Bass, Tehsil Hansi, District Hisar.

Learned counsel for the appellant argues that even from bare perusal of the FIR, the ingredients for violation of Section 3(2) (VA) of the SC/ST Act are not made out for the reason that no description of the persons, who have supposedly heard the alleged words used by the petitioner, has been mentioned therein. Learned counsel for the appellant submits that only averment is that the words alleged to have been spoken by

the appellant on the phone were heard by the other persons as the phone was on speaker and, hence, the ingredients of alleged section of the SC/ST Act are not made out.

Notice of motion.

Mr. Gaurav Bansal, AAG, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State.

Learned State counsel submits that the description of the persons, who heard the utterance of the words violating Section 3(2) (VA) of the SC/ST Act will come during investigation.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Nothing has been brought to the notice of this Court, as of now, as to what evidence has come to corroborate the allegations alleged against the appellant for violation of Section 3(2) (VA) of the SC/ST Act as well as how the ingredients required to prove the violation of the SC/ST Act are fulfilled so as to deny the benefit of grant of bail to the appellant.

Keeping in view the fact that there was already enmity between the parties and learned counsel for the appellant has undertaken before this Court that in case, the benefit of regular bail is granted to the appellant, he will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner, the appellant has made out a case for the grant of regular bail.

In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the appellant be released on regular bail, subject to the satisfaction of

trial Court/Duty Magistrate concerned, in case, he is not liable to be retained in custody in some other case already pending prior to the passing of this order.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

The present appeal stands disposed of.

September 17, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No