

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

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**CRM-M-44325-2020
Decided on : 08.01.2021**

Pankaj

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Balraj Gujjar, Advocate
for the petitioner(s).

Mr. Rajiv Goel, DAG, Haryana
assisted by ASI Sushil Kumar.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 598, dated 30.07.2019, under Sections 323, 34, 341, 506 IPC and Section 3(2)(V) of the SC/ST Act, 1989, registered at Police Station Bhiwani City, District Bhiwani, Haryana.

Learned counsel for the petitioner contends that a false case has been foisted upon the petitioner on the basis of a fabricated version. While referring to the FIR in question, it has been submitted by the learned counsel that the petitioner has been attributed only simple injuries with a stick attracting the mischief of Sections 323, 324 IPC. It has been further submitted that mischief of Section 3(2)(V) of the SC/ST Act, is not attracted in the case in hand, as admittedly the complainant does not belong to SC/ST category. Thus, a prayer has been made to extend the concession of regular bail to the petitioner, as he has been in custody since 05th December, 2019 and only challan has been presented till date.

Per contra, learned State counsel while opposing the prayer and

submissions made by learned counsel for the petitioner, on instructions from ASI Sushil Kumar, has apprised the Court that the charges are likely to be framed in the near future. However, learned State counsel has not been able to controvert the factum of the complainant not belonging to the SC/ST category, so as to attract the mischief of Section 3(2)(V) of the SC/ST Act.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 08, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*