

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

CRM-M-6027-2022

Date of decision: 17.02.2022

SHIV KUMAR

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Rajesh Duhan, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G. Haryana.

VINOD S. BHARDWAJ, J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

The instant petition is for seeking concession of regular bail in case FIR No. 633 dated 06.11.2021 offence under Sections 323, 333, 353, 459, 506 read with Section 34 IPC and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Pundri, District Kaithal.

Learned counsel for the petitioner *inter alia* contends that the petitioner is in custody since 10.12.2021. Investigation in the case is already completed and a final report under Section 173 Cr.P.C. was filed on 28.01.2022. It is further conveyed that it is only a case of two simple injuries in a scuffle that had purportedly happened on the intervening night of 03/04.11.2021. Besides, the petitioner is not named

in the FIR and there is no link to connect with the petitioner with the commission of the offence.

Learned State counsel has opposed the petition on the ground that the same relates to the offence committed under Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is, however, not disputed by the learned State counsel that the investigation in the matter already stands concluded and that the petitioner would no longer be required for the purpose of investigation of the case. It has also been informed by the learned State counsel that the matter is now fixed for framing of charge on 08.03.2022.

I have heard learned counsel for the parties and upon consideration of the period of custody already undergone by the petitioner and the gravity of offence as well as nature of the allegations, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

Disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

FEBRUARY 17, 2022

Vishal sharma

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