

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-9505-2022 (O&M)

Decided on : 10.03.2022

Ghanshyam and others

. . . Petitioners

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. Satyawan Singh Nain, Advocate
for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Pardeep Panwar, Advocate
for the complainant.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C.
for grant of regular bail to the petitioners in case FIR No. 38 dated
23.01.2022 under Section 323, 341, 344, 365, 367, 506 and 34 of the
Indian Penal Code, 1860 and Section 3 (1) (R), 3(1) (S), 3(2) (VA) of
SC/ST Act, 1989 registered at Police Station City Jind, District Jind.

Learned counsel for the petitioners has submitted that in
the present case, FIR has been registered on the application of Vikas-
complainant to the effect that he noticed an advertisement for the post
of accountant and thereafter, made a phone call on the number which
was mentioned in the advertisement and he was kept on the job for a
salary of Rs.15,000/- per month and later on, he came to know that the

accused persons indulged in gambling and thus, he did not want to remain in the job but however, the petitioners kept the complainant detained for 12 days and they had also beaten him up. It is further submitted that an affidavit dated 15.02.2022 has been submitted by the complainant Vikas, in which it has been specifically stated that the dispute between the petitioner and the complainant has been amicably settled and that he has no objection in case the FIR is quashed. It is submitted that the factum of the said affidavit has also been noticed in the impugned order dated 28.02.2022 vide which the regular bail application of the petitioners has been dismissed. It is submitted that the petitioners are in custody since 23.01.2022 and the presentation of the challan and the trial is likely to take time, moreso, in view of the present COVID-19 pandemic situation. It is contended that the petitioners would file a petition for quashing of the FIR on the basis of the compromise. It is further contended that the offence under Section SC/ST Act is not made out inasmuch as a perusal of the FIR would also show that it has not been alleged that the petitioners had the knowledge that the complainant belonged to the Scheduled Caste nor the occurrence had taken place in the presence of public.

Learned State counsel, on the other hand, has opposed the present application for regular bail and has submitted that in the present case, even the investigation has not been completed as yet and thus, the factum as to whether the compromise has been effected or not cannot be ascertained by the State.

Learned counsel for the complainant has submitted that an affidavit of the complainant is genuine and the matter has been compromised and the said fact has been correctly noticed in the order dated 28.02.2022 vide which the regular bail application had been rejected.

This Court has heard the learned counsel for the parties and has perused the paperbook.

The dispute in the present case apparently seems to be a dispute between the employer and the employee. A perusal of the affidavit dated 15.02.2022 (Annexure P-2) would show that the said complainant Vikas has specifically stated that the said dispute has been resolved and he has no objection in case the FIR is quashed. The factum with respect to the said affidavit/compromise has been noticed in paragraph 9 of the order dated 28.02.2022 vide which the bail application of the petitioners has been rejected. A perusal of the FIR would also show that it is not alleged therein that the petitioners had knowledge that the complainant belonged to a scheduled caste and thus, the offence under the SC/ST Act is not made out. The petitioners are stated to be not involved in any other case and they have been in custody since 23.02.2022 and the presentation of the challan and the trial will take long time, moreso, in view of the present COVID-19 pandemic situation.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioners are ordered to be released

on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to their not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

March 10th, 2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No