

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

I) CRM-M-21649-2022 (O&M)

Shiv Kumar @ Satya Prakash @ SP ... Petitioner

Versus

State of Haryana ... Respondent

II) CRA-S-1741-2022 (O&M)

Pardeep Kumar ... Appellant

Versus

State of Haryana ... Respondent

Date of Decision:-16.12.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sudhir Rana, Advocate,
for the petitioner in CRM-M-21649-2022.

Mr. J.P. Jangu, Advocate for
Mr. Amardeep Sheoran, Advocate,
for the appellant in CRA-S-1741-2022.

Mr. Rajiv Sidhu, DAG, Haryana.
assisted by ASI Naresh.

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the above mentioned petition i.e. CRM-M-21649-2022 filed on behalf of petitioner Shiv Kumar @ Satya Prakash @ SP as well as appeal i.e. CRA-S-1741-2022 filed on behalf of the appellant Pardeep

Kumar seeking grant of anticipatory bail in respect of a case registered vide FIR No.140, dated 21.4.2022, Police Station Kasola, District Rewari, under Sections 147, 149, 323, 325, 506 of Indian Penal Code and Section 3 of SC/ST Act, wherein offences under Section 325 IPC and Section 3 of SC/ST Act were added later on.

2. At the time of issuance of notice of motion in CRM-M-21649-2022, the following order was passed on 19.5.2022:

“ The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No. 140, dated 21.4.2022, Police Station Kasola, District Rewari, under Sections 147, 149, 323, 325 and 506 IPC (Section 325 of IPC and Section 3 of SC/ST Act).

The FIR was lodged at the instance of Prem Singh. The relevant extract from the translated gist of FIR as reproduced in para No.1 of the petition reads as follows:

“Today on 20.4.2022 I was present at my shop at around 3-4 o'clock and my friend Sunil son Ashok resident of Chirhara district Rewari was also sitting on the shop of Mohan's son Balbir Singh at Chirhara railway Fatak, suddenly Mohit alias Meena and Satyaprakash alias SP and 15-20 more persons, about whom I do not know, came with sticks in their hands and suddenly started beating me and my friend Sunil, in which me and my friend Sunil got number of injuries and while leaving, they threatened to kill and said that we have left you today but we will kill you if you appear again, after that my neighbor shopkeeper Mohan called his car and took me and my friend Sunil to Bawal Hospital, requesting that the people who beat me and my friend Sunil, appropriate legal action should be taken against them.”

Learned counsel while referring to the aforesaid FIR has submitted that even a perusal of the FIR itself shows that there is no allegation whatsoever in respect of an offence under SC/ST Act and that other than the said allegation it is alleged that the petitioner had caused some injuries and that the said injuries at best would attract offences under Sections 323 and 325 IPC which are bailable.

Notice of motion for 13.10.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C. ”

3. Even in the other case i.e. in CRA-S-1741-2022, at the time of issuance of notice of motion on 14.9.2022, interim directions were ordered to be issued in same terms as passed in CRM-M-21649-2022.
4. Learned State counsel, upon instructions from ASI Naresh, has informed that pursuant to interim directions, both the petitioners have joined investigation. It has also been informed that some sticks are required to be recovered from the petitioners and that otherwise they are not involved in any other case.
5. Having regard to the fact that it is a case of inflicting of injuries including one grievous injury, which would attract offence under Section 325 IPC and otherwise in the FIR there is no such allegation, which could be said to attract offence under SC/ST Act, both the petitions are hereby disposed of with a direction to the petitioners to surrender before the Trial Court within a period of 1 week from today and apply for grant of regular bail.

6. In case, any such application is filed before the Trial Court in the forenoon of the day, the same shall be disposed of expeditiously preferably by the evening of the same day while duly taking into account that it is a case wherein the main allegation pertains to inflicting of an grievous injury but with a blunt edged weapon attracting offence punishable under Section 325 IPC and there is no allegation pertaining to utterances of objectionable words in the FIR.
7. It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main case.
8. A photocopy of this order be placed on the file of connected case.

16.12.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No