

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

CRM-M-25453-2022 (O & M)

Date of decision: 15.07.2022

Krishan @ Bakra

.... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rakesh Nagpal, Advocate, for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.60 dated 15.03.2022 under Sections 148, 149, 323, 506 IPC and Section 3 of SC and ST (Prevention of Atrocities) Act, 1989 and Sections 120-B IPC and 325 of IPC and Section 3(2)(v) of SC and ST (Prevention of Atrocities) Act, 1989 (hereinafter to be referred as "the Act") registered with Police Station Jakhal, District Fatehabad.

2. The present FIR came to be registered on the statement of Sunny Singh son of Kala Ram, who stated that he belongs to the Scheduled Caste and was working as a casual labourer. On 14.03.2022, in the evening, while he was sitting in the Stadium ground of village Jakhal, at that time, Krishan alias Bakra (the present petitioner), Jadu son of Tari alongwith 5-6 unknown persons came there, encircled him and after calling him caste related words, gave injuries with various weapons on his person. On his

shouting, they threatened him with murder and all the accused fled away from the spot. His brother Ravi and other persons arrived at the spot and after arranging a conveyance took him to the Civil hospital, Jakhal where he was administered first-aid. The cause of enmity was that the petitioner and the other accused were putting pressure upon him to enter into a compromise in a previous FIR got registered by him against the said accused.

3. The learned counsel for the petitioner contends that the provisions of the SC and ST Act has wrongly been invoked with a view to make the offence more grave. In fact, in an earlier occurrence which had led to registration of FIR No.139 dated 12.08.2018, the petitioner and his co-accused were sought to be implicated for almost similar allegations though in that case, the provisions of SC and ST Act had been deleted at the time of filing the final report under Section 173 Cr.P.C. It is, thus, contended that each time, the provisions of the Section SC and ST Act had wrongly been invoked with an oblique motive. In fact, there were three FIRs got registered by the present complainant due to a dispute between the complainant on the one hand and one Harman son of Sukhpal on the other. It is also contended that the petitioner is in custody since 17.03.2022. The challan already stands submitted and none of the prosecution witnesses had been examined so far, and thus, the further incarceration of the petitioner is not required.

4. The learned counsel for the State, on the other hand, contends that the criminal antecedents of the petitioner do not entitle him to the grant of bail. He, however, does not dispute the factual position that the petitioner has been granted regular bail in the other two FIRs got registered against him. He also admits the period of custody as also the stage of the trial.

6. Admittedly, the petitioner is in custody since 17.03.2022 and the investigation stands completed. None of the 14 prosecution witnesses have been examined so far and in fact, the next date for framing of charges is 11.10.2022. Therefore, the trial of the case is not likely to be concluded in the near future. In the other two FIRs got registered, the petitioner has been granted the concession of bail. One such order of this Court is Annexure P-2.

7. Keeping in view the aforementioned facts, the further incarceration of the petitioner is not required. Thus, without commenting upon the merits of the case lest it prejudices either side, the present petition is allowed and the petitioner, namely, Krishan @ Bakra, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

July 15, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No