

103

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26950-2022(O&M)
Date of decision : 20.07.2022

Shokeen and others

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. I.S. Saggu, Advocate
for petitioners.

Mr. R.K. Singla, DAG Haaryana.

Mr. Vikas Kumar, Advocate
for complainant.

-.-

-.-

HARINDER SINGH SIDHU, J.

This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.398, dated 2.12.2021 registered under Sections 323, 506, 34 IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act at Police Station Punhana, District Nuh.

FIR was lodged on the complaint of one Kamlesh who stated that she belongs to Scheduled Caste. On 30.11.2021 at about 7.00 pm, she went to nearby shop for bringing some items. Her brother-in-law Hiranman came there to call her back. At the same time Shokeen (petitioner No.1), who was in inebriated condition came there. He threatened Hiranman and asked how he dared to come there as members of his caste were not allowed to come there. He hurled caste based abuses at Hiranman. When the complainant and her

brother-in-law objected to it then petitioner No.1 gave kick and fist blows to her brother-in-law. On hearing the noise the accused namely Aneesa wife of Shokeen, Iffi s/o Rujmal (petitioner No.2), Sharif s/o Chhajju (petitioner No.3), Mussali s/o Hanif @ Suka and Rasid s/o Husaina also came there. They along with Shokeen (petitioner No.1) gave kicks and fist blows to Hiranman, and also abused him on the basis of his caste and asked how he dared to compete with their Chairman. Meanwhile, other family members of the complainant also reached there. They were also given beatings with sticks. Shokeen - petitioner No.1 gave a stick blow on the head of Satish. Aneesha (co-accused/wife of petitioner No.1) gave a stick blow to Poonam (wife of brother-in-law of complainant). Sharif (petitioner No.3) gave a stick blow on the shoulder of Rupai. On hearing the noise, Ayub and other villagers came there who saved the complainant party from accused. Thereafter, injured were taken to Civil Hospital, Punhana. Keeping in view their serious condition, injured were referred to Medical College, Nalhar. It is alleged that there are only two houses of Harijans (Scheduled Castes) in the locality. Hence, the accused taking benefit of the same used to insult the complainant and others by hurling caste based abuses. It is further alleged that many cases have already been registered against petitioner and his wife Aneesa at Police Post Chandraka and Police Stations Punhana and Nagina. The accused in order to put pressure on complainant got registered a false FIR No.395 dated 30.11.2021 at Police Post Chandraka. In the said FIR, Hiranman (brother-in-law of complainant) was arrested.

It is the case of the petitioners that they have been falsely implicated in the case. On 30.11.2021, Hiranman, brother-in-law of the

complainant and other family members had entered the house of petitioner No.1 forcibly and misbehaved with his wife Smt.Aneesa and also damaged his car inside the house. In this regard, petitioner No.1 had got registered FIR No.395 dated 01.12.2021 under Sections 148, 149, 323, 452, 427, 506 IPC at Police Station Punhana, District Nuh. The present FIR has been got registered as a counter-blast to that.

Status report by way of affidavit of Amit Bhatia, HPS, Deputy Superintendent of Police, Rewari, District Rewari on behalf of respondent State has been filed, wherein, it is stated that after transfer of investigation to District Rewari, a detailed investigation was done. During investigation, the accused party and complainant party joined the investigation. No bone fracture was found and the injuries were simple in nature. It is further stated that in the wake of enmity, the accused party hurled caste related words to complainant party. They also assaulted the complainant party. Along with the status report, medico legal reports of three injured are enclosed, which reflect that they suffered following injuries:

<i>Name of Injured</i>	<i>Injury</i>
Satish	<i>Lacerated wound present on left side parital region of head size 4.5 cm – swelling present - blood clot present – adv NCCT head</i>
	<i>c/o pain in lower back region - no injury seen – adv Xray lower back</i>
Roop Singh	<i>Redness with swelling present on right scapular region of upper aspect – adv Xray right scapula</i>
Poonam	<i>Circular shape redness present on upper chest region left side near shoulder joint - swelling absent - no any other injury mark seen.</i>

The status report further states that FIR No.395 was got registered

by petitioner No.1 Shokeen against five persons out of which four persons namely, Hiranman, Satish, Vikram and Rupchand were arrested and are on regular bail. No person was got medico legally examined in connection with the occurrence arising out of FIR No.395.

There are specific allegations against the petitioners that they hurled caste based abuses and also gave kicks and fist blows to Satish, Roop Singh and Poonam, who belong to the Scheduled Caste. On sustaining the injuries, they were first taken to Civil Hospital, Punhana, from there they were referred to Medical College, Nalhar.

In view of the aforesaid facts and circumstances, particularly the provisions of Section 18 of the SC & ST (Prevention of Atrocities), Act, the petition is dismissed.

July 20, 2022

(HARINDER SINGH SIDHU)
JUDGE

gian

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No