

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

**CRM-M-54710 of 2021(O&M)
Date of Decision: 30.08.2022**

Pardeep (minor) through his natural guardian

...Petitioner

Versus

State of Haryana

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. Balraj Gujjar, Advocate
 For the petitioner.**

Mr. Naveen Kumar Sheoran, DAG Haryana.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 583 dated 07.11.2021, registered under Sections 323, 341, 506 and 34 IPC Police Station Bhiwani City, to which Sections 325 and 307 IPC and Section 3(2) (iv) (a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for brevity, ST & ST Act) were added lateron.

The counsel for the petitioner submits that the petitioner who is a juvenile and belongs to Scheduled Castes, was not named in the FIR and was lateron nominated as accused on the basis of alleged disclosure made by co-accused Tarun. The counsel for the petitioner further submits that no specific injury has been attributed to the petitioner, who has already joined the investigation.

The State counsel on instructions from ASI Manish has not refuted the fact that the petitioner who belongs to Scheduled Castes has joined the investigation. The State counsel further submits that the recovery of the wooden stick which was used by the petitioner at the time of occurrence, has been effected and now the petitioner is not required by the police for any further investigation. The State counsel has not disputed the fact that no specific injury has been attributed to the petitioner who was not named in the FIR.

I have considered the submissions made by counsel for the parties.

As has been admitted by both the parties, the petitioner belongs to Scheduled Castes and as such provisions of SC & ST Act are not applicable against him. As per the allegations recorded in the FIR, Chappar and Tarun came on two motor cycles and one boy each was sitting on the pillion seat of the said motor cycles. Then Chappar gave iron rod blow on the head of complainant Mohit while Tarun gave danda blow on the left leg of the complainant while the aforesaid two unknown pillion riders gave fist and kick blows to the complainant. There are allegations that the petitioner was named as accused by aforesaid Tarun in his disclosure statement. No specific injury has been attributed to the petitioner who has already joined the investigation and got effected recovery of one wooden stick. As per Annexure P-1 the date of birth of the petitioner is 03.05.2006. So, petitioner apparently appears to be a juvenile offender. The petitioner has joined the investigation and now is not required by the police for any further investigation as has been stated by the State counsel.

In the light of the above, without commenting on the merits of the case the present petition is allowed and the order of interim bail dated 05.05.2022 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

30.08.2022

Jiten

**(KARAMJIT SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No