

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

Sr. No. 113+262

CRM-10689-2023 in/and
CRA-S-232-2023
Date of Decision:-13.03.2023

JITENDER

... Petitioner

Versus

STATE OF HARYANA

...Respondent

-.-

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

-.-

Present:- Mr. Vikas Bishnoi, Advocate for the appellant.

Mr. Surinder K. Dagar, DAG, Haryana.

VIVEK PURI, J. (ORAL)

CRM-10689-2023

This is an application for placing on record the bail application and bail order (Annexure P-8 and P-9) in case FIR No.114 dated 30.05.2022 under Section 3 of the Public Property (Prevention of Damage) Act, 1985 and Section 427 of IPC, registered at Police Station Bhattu Kalan, District Fatehabad.

For the reasons mentioned in the application the same is allowed and the documents (Annexure P-8 & P-9) are ordered to be taken on record. Subject to all just exceptions.

Registry is directed to tag the same at the appropriate place of the paper-book.

CRA-S-232-2023

The appellant is seeking regular bail in FIR No. 247 dated 03.12.2022 under Sections 506 and 34 of IPC, Section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Section 447 of IPC added later on).

Learned counsel for the appellant contends that the allegations against the appellant are to the effect that he had threatened to kill the complainant and uttered derogatory remarks against his caste. The occurrence took place on 03.12.2022. The complainant and others had inflicted injuries on the person of the appellant and he was admitted in hospital. Annexure P-3 is the copy of the MLR which indicates that the appellant had sustained ten injuries but on account of being hospitalized, the FIR at his instance against the complainant has been registered on 04.12.2022. The appellant was on interim bail in another case bearing FIR No.114 dated 30.05.2022 under Section 3 of the Public Property (Prevention of Damage) Act, 1985 Police Station Bhattu Kalan, District Fatehabad, when the present FIR was registered. The application for anticipatory bail in other case was dismissed but subsequently his arrest was effected and he has been released on regular bail in that case in terms of order dated 21.02.2022 passed by the Judicial Magistrate First Class, Fatehabad. The appellant has been falsely implicated in the instant case at the behest of the complainant who along with his companions had inflicted injuries on the person of the appellant. The appellant is in custody for a period of 3 months and 2 days. The investigation of the case is complete and the challan has already been presented.

Learned State counsel has opposed the bail on the score that the present FIR was registered when the appellant was on interim bail in the other case.

Be that as it may, the application of pre-arrest bail in other case was dismissed by the co-ordinate Bench of this Court but later on he has been granted regular bail in the other case that has been registered against him. The FIR does not indicate that any injury was inflicted upon the person of the complainant. The appellant is in custody for a period of 3 months and 2 days. Another FIR bearing No. 249 dated 04.12.2022 under Section 147, 149, 323, 379 and 506 of IPC, Police Station Bhattu Kalan, District Fatehabad has been registered at the instance of the petitioner. The genuineness of the rival allegations will be debatable and moot point in the trial Court. Investigation of the case is complete and challan has been presented and the conclusion of trial is likely to take some time. In these circumstance, appellant is ordered to be released on bail subject to furnishing adequate bail/surety bonds to the satisfaction of Id. Trial Court/Duty Magistrate.

The present appeal is accordingly disposed of.

13.03.2023
yogesh

(VIVEK PURI)
JUDGE

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No