

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

202

CRM-M-26909-2023  
Date of decision: 07.10.2023

Inderpal .....Petitioner

versus

State of Haryana and another .....Respondents

**CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

Present: Mr. B.S. Mamli, Advocate  
for the petitioner.

Mr. Rajbir Singh, D.A.G., Haryana  
for respondent No.1-State.

**NAMIT KUMAR, J. (ORAL)**

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.351 dated 11.08.2022 under Section 148, 149, 323, 341 and 506 of the Indian Penal Code, 1860 and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015), registered at Police Station City Chand Hut, District Palwal.
2. Notice of motion was issued in the present case on 17.07.2023 and in terms thereof, State has filed status report in the Registry which is taken on record. None has caused appearance on behalf of respondent No.2 despite service.
3. The above-said FIR was registered on a complaint made by complainant Chandan alleging that on 10.08.2022, his cousin Vishal son of Nanhi and Harsh son of Raju were abused by accused Jitu son of Narayan in the name of their caste and on that account, an altercation had taken place between them. At that time Pardeep son of Man Singh,

Sandeep son of Satbir, Sagar son of Inderpal and Inderpal (the petitioner) were in the school. They gave beatings to Harsh in the school. Harsh called his uncle Ravinder by making a telephonic call. The teacher of the school and other persons intervened to resolve the dispute. Police was also informed by making a call at phone No.112. Sh. Raj Kumar, Sarpanch, Ompal Panch and Dharmender son of Ghanshyam had also reached at the spot and they stated that they would get the matter compromised. Thereafter, the police went from there. After sometime, Harsh, Vishal and Vijay were returning from the school. On the way, all the above named accused attacked upon them and caused injuries to them. The accused also abused them in the name of their caste as they belonged to a scheduled caste. In the meanwhile, Dharmender son of Sukhbir and some other persons from the locality reached there and thereafter, accused fled from there. When he, Rajmal son of Ram Kishan, Dharmender son of Sukhbir, Sourav son of Sukhbir, Dushyanat son of Pappu and Aakash son of Jagpal were going to police station for lodging complaint, the accused again attacked upon them. At that time, Parveen son of Inderpal, Suraj son of Inderpal, Sagar son of Inderpal, Inderpal son of Premraj (the petitioner), Sunder son of Subash, Jitu son of Narayan, Sandeep son of Satbir, Punni son of Jagan were among them. In order to save them, they ran away from there and reached the police station. Police sent them to the Civil Hospital for medical examination. Thereafter, they went to the Civil Hospital and were medico-legally examined there.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The reason for the quarrel has not been mentioned by the complainant and both the parties have received injuries in the present case. Co-accused namely Jitu and Suraj have already been granted regular bail by learned Additional Sessions Judge, Palwal vide orders dated 18.04.2023 and 04.08.2023, respectively. He further submits that out of the total 09 accused, 06 have been granted regular bail and 02 accused namely Pardeep and Sagar have been put in Column No.2. The petitioner is not involved in any other case. He submits that petitioner is in custody since 20.08.2022. He further submits that investigation in the present case is complete; challan has been presented; charges have been framed on 09.03.2023 and out of total 20 prosecution witnesses, none has been examined so far. He further submits that trial may take a considerable time to conclude, therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

5. Per contra, learned State counsel while placing on record the custody certificate opposes the prayer for grant of regular bail to the petitioner on the ground that the petitioner has actively participated in the alleged crime. He, however, submits that petitioner is in custody for the last 01 year, 01 month and 17 days; investigation in the present case is complete; challan has been presented; charges have been framed; out of total 20 prosecution witnesses, none has been examined so far and the petitioner is not involved in any other case.

6. I have heard learned counsel for the parties and perused the

record.

7. Keeping in view the custody of the petitioner, which is 01 year, 01 month and 17 days; the fact that other co-accused have been granted regular bail by the trial Court; challan has been presented; charges have been framed; out of 20 prosecution witnesses, none has been examined so far; petitioner is not involved in any other case and trial is likely to take a considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Trial Court.

8. The petition stands disposed of accordingly.

07.10.2023  
kothiyal

(NAMIT KUMAR)  
JUDGE

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No