

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

106

CRM-M-27234-2023

Date of decision: 18.07.2023

Satish Kumar

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vikram Jeet Singh, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439(2) of the Cr.P.C. with a prayer for cancelling the regular bail granted to accused respondent No.2 by the Court of learned Additional Sessions Judge, Yamuna Nagar at Jagadhri vide order dated 20.04.2023 (Annexure P-5) in case FIR No.54 dated 04.03.2023 under Sections 148, 143, 323, 325 and 506 of the IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the SC/ST Act') registered at Police Station Radaur, District Yamuna Nagar.

2. Learned counsel for the petitioner *inter alia* contends that while passing the impugned order the Court below failed to take into consideration that the accused respondent No.2 along with his accomplices had inflicted serious injuries on as many as 04 persons. It has been further submitted that after respondent No.2 had been released on bail, he was freely roaming around in their village and also mocking at the petitioner and his family. He further submits that the petitioner had come to know from reliable sources that respondent No.2 along with co-accused were hatching a conspiracy to teach them a lesson for involving them in the FIR in question and on a couple of occasions had

also tried to pressurize the petitioner through co-villagers to compromise the matter.

3. I have heard learned counsel and perused the relevant material on record.

4. The impugned order vide which respondent No.2 was extended the concession of regular bail does not suffer from any illegality which would warrant the interference of this Court. Respondent No.2 allegedly committed offences under Sections 323 and 325 of the IPC which are bailable offences. Only offence under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SCST act are non-bailable in nature.

5. On a pointed query put to the learned counsel for the petitioner as to whether any complaint had been made to the police qua the alleged pressure tactics being employed by respondent No.2 to effect a compromise and if there had been any other misuse of the concession of bail by respondent No.2, he has fairly submitted that no such complaint had ever been made either orally or in writing. Hence, merely on a vague apprehension that respondent No.2 was conspiring to teach the petitioner and his family a lesson for lodging the FIR in question, without it being supported by any material, would not be a sufficient ground to cancel the bail, which has been granted to respondent No.2 vide the impugned order.

6. Accordingly, the instant petition is dismissed.

18.07.2023

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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