

CRA-S-2665-2022

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2023:PHHC:040450

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRA-S-2665-2022

Date of Decision: 20.03.2023

Suresh Pal

.... Appellant

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Parminder Singh, Advocate for the appellant.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

ASHOK KUMAR VERMA, J. (ORAL)

Reply dated 18.03.2023, filed by way of affidavit of Sh. Jai Singh, Deputy Superintendent of Police, Ladwa, Kurukshetra, on behalf of respondent-State, is taken on record.

The appellant, namely, Suresh Pal has filed the present appeal against the impugned order dated 09.09.2022 passed by the learned Additional Sessions Judge, Special Court, Kurukshetra, whereby the application filed by the appellant for grant of regular bail in case FIR No. 333 dated 19.08.2021 registered under Sections 323, 307, 452, 506 read with Section 34 IPC and Section 3 of the the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short-'the SC & ST Act') at Police Station Ladwa, was dismissed.

Briefly, on 18.08.2021 at around 10:30 P.M., the appellant

along with his co-accused, namely, Rahul (son), Machla Devi (wife) and their son-in-law entered the *bara* of the complainant and raised quarrel with him, his father-Naresh Kumar and mother Bimla Devi. It has further been alleged that they also attacked on his father with lathis and bindas with an intention to kill him. Machla Devi-wife of the appellant also grappled with mother of the complainant. The accused party also abused the complainant party in the name their caste.

Learned counsel for the appellant, *inter alia*, contends that appellant has falsely been implicated in the instant case. The only role attributed to the appellant is that he along with his co-accused entered the *bara* of the complainant party and damaged the entrance gate of the room. The appellant caught hold the complainant while co-accused-Rahul gave danda blow on his head. No injury has been attributed to the appellant. There are only general and vague allegations against the appellant and no specific role has been attributed to him. No offence under the SC & ST Act, is made out. Petitioner is in custody since 09.09.2021. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that the petitioner may be released on regular bail.

On the other hand, learned counsel for State vehemently opposed the submissions made by learned counsel for the appellant.

Keeping in view the facts and circumstances of the case and custody period of the appellant, but without commenting on merits of the case, I am of the considered view that the appellant deserves the

concession of regular bail.

Therefore, the present appeal is allowed and appellant-Suresh Pal, is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

March 20, 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No