

IN THE COURT OF BHUPINDER NATH, ADDITIONAL
SESSIONS JUDGE, SPECIAL COURT FOR SCHEDULED
CASTES AND SCHEDULED TRIBES) (PREVENTION OF
ATROCITIES) ACT, KURUKSHETRA.

Bail Application No. : 1973 of 2020.
CNR No. : HRKU01-006006-2020.
Date of Institution : 21.12.2020.
Date of Decision : 05.01.2021.
UID No. : HR0113.

Prince Kumar, aged about 27 years, son of Ram Kishan, resident of
village Badarpur, Police Station Ladwa, District
Kurukshetra (Aadhar Card No.4776 8085 5056).

...Petitioner.

Versus

State of Haryana.

...Respondent.

FIR No. : 218 Dated 22.06.2020.
Under Sections :323, 506 IPC & Sections 3 SC & ST
Act, 1989.
Police Station : Ladwa.

Application under Section 439 Cr.P.C.
for grant of regular bail

Present: Mr. Vikram Singh Panjeta, counsel for petitioner.
Mr. J.S.Dhanda, Public Prosecutor for respondent/ State
assisted by Mr. S.S.Jaidka, counsel for complainant.

ORDER:

This order shall dispose of an application under Section 439

Cr.P.C. for grant of regular bail moved by petitioner.

2. In brief, the facts of the case are that on 22.06.2020, a
complaint moved by complainant Mamta Devi wife of Sohan Lal, resident
of village Badarpur, Police Station Ladwa, District Kurukshetra against

(Bhupinder Nath),
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Anshu Kairo son of Ashok Kumar and Prince son of Ram Kishan, resident of village Badarpur, Police Station Ladwa, District Kurukshetra, Police Station Ladwa received in Police Station Ladwa to the effect that legal action be take against Anshu Kairo son of Ashok Kumar and Prince Kumar son of Ram Kishan residents of above mentioned address. Further alleged that she (Mamta Devi) is permanent resident of above mentioned address and is law abiding lady. Further alleged that she is poor lady. Further alleged that on 22.06.2020 at about 2.30 P.M., she was lifting dung cakes, which were lying near about the the dung cakes of applicant/petitioner. Further alleged that the applicant/petitioner attacked upon to kill complainant and uttered abuses in the name of her mother and sister and insulted her using caste names Chamari etc and torn her clothes and broken the fingers of the complainant. Further alleged that Rinku and Satbir son of Mange Ram, brother-in-law of the complainant came to rescue her, then the accused persons have also beaten both the brother-in-laws of the complainant and uttered bad abuses and insulted in the name of her caste i.e. Chamar, Gittal etc. and also threatened to kill them. Further alleged that accused after going to the house of complainant again beaten her and her brother-in-law as well. Further alleged that complainant has danger of life of herself and of her brother-in-laws from the hands of the accused persons. Further alleged that the

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accused persons have also closed the Panchayat street of the complainant. Prayed that legal action be taken against the accused persons and the relief of the family of the complainant may kindly be saved. On the basis of this complaint, a case under Sections 323, 506 IPC & Sections 3 (1)(x) SC & ST Act, 1989 was registered.

3. The present application has been filed on the averments that applicant/petitioner was arrested in present false case on 03.12.2020 and since then applicant/petitioner is confined in District Jail, Kurukshetra. Further averred that the version given in the FIR is palpably false, wrong and is a concocted version. Further averred that the complainant party is habitual of giving such type of masterly drafted complaints. Further averred that the Bhabhi (sister-in-law) of accused namely Kamlesh is Sarpanch of the village and the real grudge of the the complainant is that Smt. Kamlesh being Sarpanch of the village had filed suit for getting vacated the Panchayat land from the illegal possession of the complainant and his other family members by adopting legal procedure and the complainant and his family members from a long time are trying to put pressure upon the applicant/petitioner, so that the wife of the applicant/petitioner may not get vacated the illegal possession of the complainant and his family members. Further averred that previously also on 10.02.2020, the complainant has moved an application before

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SDM, Ladwa levelling similar allegations against the applicant/petitioner and his son, but at that time the application was withdrawn by her while saying that she has moved that application under the saying of others. Further averred that now she has again moved this false application with some oblique motive. Further averred that the applications moved by the village Sarpanch for removal of encroachment with the help of police party and District Administration was also marked by Deputy Commissioner, Kurukshetra to SDM, Ladwa on 22.06.2020 and the real issue of the said incident is the said letter marked to SDM, Ladwa. Further averred that on 22.06.2020, the complainant party has attacked upon the applicant/petitioner and in the said attack the applicant/petitioner has received serious and grievous injuries on various parts of body. Further averred that applicant/petitioner was also got admitted in hospital and got conducted MLR on the same day. Further alleged that Hospital authority has also sent a rukka to the police but on the rukka no action was taken by the police. Further averred that on 23.06.2020, the applicant/petitioner himself moved application before SHO, Police Station Ladwa, then he shocked to know that the complainant party has already got registered the present false case against the applicant/petitioner whereas on 22.06.2020 and 23.06.2020, the applicant/petitioner was in injured condition and was even not able to

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walk without help. Further alleged that the complainant was also one of the assailants to the attacks on 22.06.2020. Further averred that the applicant/petitioner has not been attributed any specific injury nor he was present at the spot as alleged. Further averred that no injury has been specifically levelled upon any of the accused. Further averred that the applicant/petitioner is innocent person and has been falsely implicated in the present case. Further averred that the applicant/petitioner is no more required by the police or by the Court except to face the trial. Further averred that the investigation of the case is complete and further the applicant/petitioner is ready to appear before the police or before the Court as and when required. Further averred that the applicant/petitioner has only to face the trial which will take a long time. Further averred that the applicant/petitioner undertakes to abide by all the terms and conditions, so imposed by the Court. Further averred that the applicant is ready to furnish bail/surety bonds to the satisfaction of the Court. Hence, prayed that application be allowed.

4. Notice of bail application was given to learned Public Prosecutor. Police reply perused.

5. I have heard learned counsel for the applicant/petitioner as well as learned Public Prosecutor for the respondent/State assisted by learned counsel for complainant and perused the police file carefully.

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6. Learned counsel for the applicant/petitioner has argued that applicant/petitioner was arrested in false case on **03.12.2020** and since then he is in custody. Further argued that the version given in the FIR is palpably false, wrong and is a concocted version. Further argued that the complainant party is habitual of giving such type of masterly drafted complaints. Further argued that the applicant/petitioner has not been attributed any specific injury nor he was present at the spot as alleged. Further argued that no injury has been specifically levelled upon any of the accused. Further argued that the applicant/petitioner is innocent person and has been falsely implicated in the present case. Further argued that the applicant/petitioner is no more required by the police or by the Court except to face trial. Further argued that the investigation of the case is complete and further the applicant/petitioner is ready to appear before the police or before the Court as and when required. Further argued that the trial of the case will take sufficient time. Further argued that applicant/petitioner undertakes to abide by all the terms and conditions so imposed by the Court. Further argued that the applicant/petitioner is ready to furnish bail/surety bond to the satisfaction of the Court. Learned counsel for the applicant/petitioner has placed reliance upon **Shri P.Chidambaram Vs. Central Bureau of Investigation 2020 (2)**

Criminal Court cases 047 (S.C.). Thus, prayed that applicants/petitioners be released on bail.

7. On the other hand learned Public prosecutor for the State/respondent assisted by learned counsel for complainant has argued that such type of crime is rising day by day in the society and petitioner has committed crime and no bail should be granted to the applicant/petitioner and prayed for dismissal of the bail application.

8. After hearing the arguments advanced by learned counsel for the applicant/petitioner as well as learned Public Prosecutor for the State, I have gone through the contents of the bail application as well as reply thereto submitted by the prosecution, it has been alleged that applicant/petitioner has torn the clothes of complainant and has caused injury on the fingers of complainant. Although, as per contents of reply, the applicant/ petitioner has caused hurt to complainant and also abused her in the name of caste as the complainant/ injured belonged to schedule caste, however, these facts/ allegations are yet to be decided on the basis of evidence during trial. Moreso, the applicant/ petitioner is in custody since **03.12.2020**. Even otherwise, trial will take sufficient long time. Thus, in view of the above, no fruitful purpose would be served by keeping the applicant/ petitioner in custody any more.

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9. Thus, without commenting anything on merits of the case and in view of the above discussed facts and circumstances, this Court is of the considered opinion that present applicant/petitioner is entitled to concession of regular bail. Therefore, his bail application is hereby **allowed**. So, the applicant/petitioner is admitted to bail subject to furnishing his bail /surety bonds in the sum of Rs.1,00,000/- with one local surety in the like amount to the satisfaction of the Illaqa/Duty Magistrate.

Bail application file be tagged with the FIR.

Pronounced in open Court.

Dated:05.01.2021

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Note: All **eight** pages of this order have been checked and signed by me.

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Mahinder Singh.

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