

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

Crl. Misc. No.M-34472 of 2015

Date of Decision: 09.10.2015

Narender @ Tillu

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. Partap Singh, Advocate
for the petitioner.

DAYA CHAUDHARY, J. (ORAL)

In pursuance to the order passed by this Court on 08.10.2015, the correct copy of the translation of the FIR has been placed on record in the Court today and the same is taken on record.

Learned counsel for the petitioner submits that initially, the FIR was registered against the petitioner under Sections 323/452/506 IPC at Police Station Alewa, District Jind and he was arrested and produced before the Illaqa Magistrate, Jind. Thereafter, he was granted regular bail vide order dated 04.06.2015. However, during investigation, Section 3 of the Scheduled Caste/Scheduled Tribes Act has been added just to make the offence more serious. Learned counsel further submits that the petitioner has already joined the investigation and nothing is to be recovered from him. Moreover, the offence under Section 3 of the Scheduled Caste/Scheduled Tribes Act has been added after a period of one month from the date of occurrence. No purpose would be served by

keeping the petitioner in custody.

Mr. Vikas Malik, D.A.G., Haryana, appears for the respondent-State and opposes the bail of the petitioner on the ground of seriousness of offence.

Keeping in view the submissions made by learned counsel for the petitioner and also the fact that the petitioner was released on regular bail vide order dated 04.06.2015 and subsequently, the offence under Section 3 of the Scheduled Caste/Scheduled Tribes Act has been added; the petitioner has already joined the investigation and nothing is to be recovered from him, the present petition is disposed of with a direction to the petitioner to join investigation, if required by the Investigating Officer and in case of arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer. He shall join the investigation as and when required by the Investigating Officer. He shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under :-

- (i) that the petitioner shall make himself available for interrogation before investigating officer as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court.

Disposed of accordingly.

09.10.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE