

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-3539 of 2015
Date of Decision:- 23.02.2015

Rakesh Malik

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

**Present: Mr. K.B. Raheja, Advocate
for Mr. Rajiv Sharma, Advocate,
for the petitioner.**

**Mr. Pravindra S. Chauhan, Addl. A.G., Haryana
for the State.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of anticipatory bail, in a case registered against him along with his other co-accused, vide FIR No.462 dated 10.09.2014, on accusation of having committed the offences punishable under Sections 147, 148, 323, 325 and 506 IPC and Section 3 of The Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989, by the police of Police Station Kherki Daula, District Gurgaon.

2. Notice of the petition was issued to the State.
3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and after considering the

entire matter deeply, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.

4. During the course of preliminary hearing, the following order was passed by this Court on February 04, 2015: -

“Learned counsel, inter alia, contended that neither the name of the petitioner is mentioned nor any specific role or particular part is attributed to him in the FIR. He has been falsely implicated in this case by the complainant in order to wreak vengeance. The argument is that even no offence Section 3 of The Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC&ST Act'), is made out against the petitioner, in view of the ratio of law laid down by this Court in case Dr.Onkar Chander Jagpal vs. Union Territory, Chandigarh and another, 2012(1) RCR (Criminal) 931.

Heard.

Notice of motion be issued to the respondent, returnable for 23.02.2015.

Meanwhile, the petitioner is directed to join the investigation before the next date of hearing. In the event of his arrest, the Arresting Officer would admit him to bail on his furnishing adequate bail and surety bonds in the sum of Rs. 25,000/- to his satisfaction.”

5. At the very outset, on instructions from ASI Rajesh Kumar, learned State Counsel has acknowledged the relevant factual matrix and submitted that the petitioner has already joined the investigation. He is no longer required for further interrogation, at this stage. There is no history of his previous involvement in any other criminal case. Even, since the prosecution has not yet submitted the final police report (challan) against the accused, so, the final conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons and taking into consideration the totality of peculiar facts and special circumstances, emanating from the record, as discussed here-in-above and without commenting further

anything on merits, lest it may prejudice the case of either side during the course of trial, the instant petition for anticipatory bail is accepted. The interim bail already granted to the petitioner, by virtue of indicated order of this Court, is hereby made absolute, subject to the compliance of the conditions, as contemplated under Section 438(2) Cr.P.C.

Needless to mention that, nothing observed here-in-above, would reflect, in any manner, on merits of the case, as the same has been so recorded for a limited purpose of deciding the present petition for anticipatory bail. At the same time, in case, the petitioner does not cooperate or join the investigation, the prosecution would be at liberty to move a petition for cancellation of his bail, in this Court.

February 23, 2015
naresh.k

(MEHINDER SINGH SULLAR)
JUDGE