

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-41097 of 2014

Date of Decision:- 06.01.2015

Neeraj

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

Present: Mr. Johan Kumar, Advocate, for the petitioner.

**Mr. Ram Kumar Yadav, D.A.G., Haryana
for the State.**

MEHINDER SINGH SULLAR, J.(oral)

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, 506 and 325 IPC & Section 3 of The Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989, by the police of Police Station Khaidki Dhaula, 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 December 04, 2014 :-

“Learned counsel, inter alia, contended that the petitioner has been falsely implicated in the present case along with his other co-accused, initially registered under Section 147, 148, 323 and 506 IPC (bailable) but the offences punishable under Section 325 IPC & Section 3 of The Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC&ST Act'), were added later on by the police, in order to enhance the gravity of the offence, to make the case non-bailable, to put pressure and to wreak vengeance. The argument is that even no offence punishable under Section 3 of The 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. Moreover, the controversy involved in the instant petition is stated to be identical to the one raised and decided, by virtue of order dated 05.11.2014, rendered in CRM-M No.34923 of 2014, by this Court.

Heard.

Notice of motion be issued to the respondent, returnable for 06.01.2015.

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 Anil 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 facts and 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.

January 06, 2015
naresh.k

(MEHINDER SINGH SULLAR)
JUDGE