

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

(1)

**Crl. Misc. No.M-4221 of 2015 (O&M)
Date of Decision: May 01, 2015.**

Rakesh Kumar and another

.....PETITIONER(s).

VERSUS

The State of Haryana

....RESPONDENT(s).

(2)

Crl. Misc. No.M-5060 of 2015 (O&M)

Vineet Kumar and another

.....PETITIONER(s).

VERSUS

The State of Haryana

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Partap Singh, Advocate
for the petitioner (s).

Mr. Baljinder Singh, D.A.G. Haryana.

SURINDER GUPTA, J.(Oral)

This order will dispose of afore-mentioned two petitions filed under Section 438 of Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No.03 dated 05.01.2015 under Sections 148, 149, 323, 506 of Indian Penal Code and Section 3 of

The Scheduled Caste and The Scheduled Tribes (Prevention of Atrocities), Act, 1989 (SC/ST Act-for short), registered at Police Station Pehowa, District Kurukshetra.

Learned counsel for the petitioners submits that regarding the incident that took place on 07.04.2014, FIR No.144 dated 07.04.2014 was got registered on the complaint of Rakesh Kumar petitioner. FIR No.03 dated 05.01.2015 regarding the same incident has been got registered by the complainant after a period of about eight months. In the inquiry conducted by DSP, Kurukshetra, the allegation of using offensive language attracting provisions under SC/ST Act were found to be false. The petitioners have joined the investigation.

Learned State counsel submits that on investigation, the allegations levelled in case bearing FIR No.144 dated 07.04.2014 have been found to be false. The allegations of presence of Vineet Kumar and Sumit Kumar (petitioners in CRM-M-5060-2015) were also found to be false. The police has presented cancellation report in the matter and the provisions of SC/ST Act have been invoked for levelling false allegations against the complainant in FIR No.144 dated 07.04.2014.

The matter is still before the Court. The cancellation report has not been accepted so far. The matter in the instant case bearing FIR No.03 dated 05.01.2015 is still under investigation.

In view of the above facts, without expression of any opinion on merits, both the afore-mentioned petitions are allowed. The order

dated 09.02.2015 passed in CRM-M-4221-2015 and order dated 16.02.2015 passed in CRM-M-5060-2015 allowing interim bail to the petitioners, are made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioners shall make themselves available for interrogation by the police officer as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the prior permission of the Court.
- (iv) that the petitioners will seek regular bail on the presentation of challan in Court.

May 01, 2015.
Sachin M.

(SURINDER GUPTA)
JUDGE