

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-8825 of 2015 (O&M)

Date of Decision: 21.01.2016

Sunder

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. M.S. Kathuria, Advocate for the petitioner.

Mr. Anmol Malik, A.A.G., Haryana.

Mr. P.S. Jammu, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.485 dated 28.11.2014 under sections 148, 341, 323, 506 read with section 149 I.P.C, section 66-A of the Information Technology Act and sections 3, 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, registered at Police Station, Bhuna, district Fatehabad.

On 20.3.2015, while issuing notice of motion, the following order was passed by this Court:-

“Counsel would inter alia contend that the petitioner has been falsely implicated inasmuch as name of the petitioner does not even figure in the FIR. It is submitted that Vishal son of complainant had got a supplementary statement recorded on 04.01.2015 i.e. almost 40 days after the alleged date of occurrence and it is on the basis of such supplementary statement that offence under Section 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been cited. Counsel submits that the petitioner is otherwise ready and willing to join investigation.

Notice of motion, returnable for 28.05.2015.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Inder Singh would apprise the Court that the petitioner has since joined investigation. It is also submitted that even the investigation having been completed, challan has been presented and charges have been framed.

Learned State counsel as also counsel for the complainant have not rebutted the factual aspect that in the initial complaint relating to the alleged occurrence dated 20.11.2014 the name of the present petitioner did not even figure. It is only upon the supplementary statement made by Vishal i.e. Son of the complainant on 4.1.2015 that offence under sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been cited.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 20.3.2015, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

21.01.2016

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