

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM No. M-1673 of 2017 (O&M)
Date of Decision: 03.04.2017**

Pawan Kumar @ Manni & another

--Petitioners

Versus

State of Haryana

--Respondent

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

Present:- Mr. Rahul Rathore, Advocate for the petitioners.

Mr. C.S. Bakshi, Additional Advocate General, Haryana.

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. read with Section 482 Cr.P.C. seeking concession of anticipatory bail to the petitioners in case FIR No.353, dated 30.09.2016, under Sections 323/506/34 IPC (Sections 3(i)(d), 2(v)(k) of SC ST Act, registered at Police Station Butana, District Karnal.

While issuing notice of motion on 20.01.2017, the following order was passed by this Court:

“Instant petition has been filed under Section 438 read with Section 482 Cr.P.C. seeking concession of pre-arrest bail to the petitioners in case FIR No.353 dated 30.09.2016, under Sections 323, 506, 34 of Indian Penal Code and later on added Section 3(i)(d), 2 (v) (k) of SC ST Act, registered at Police Station Butana, District Karnal.

Counsel would submit that the FIR initially was registered for offence under Sections 325, 506, 34 of Indian Penal Code on the complaint of one Balwan Singh son of Isham Singh. Present petitioners were arrested and granted benefit of regular bail.

It is contended that subsequently and on 06.11.2016 statement of one Sanjeev Kumar has been recorded and on the

strength of which the offence under Section 3 of the Scheduled Castes and Scheduled Tribes Act has been added. It is argued that the facts and circumstances clearly point towards false implication as in pursuance to the initial complaint lodged by Balwan Singh with regard to an occurrence that took place on 27.09.2016 an inquiry had been conducted and the investigating agency had found the allegations as regards any offence having been committed under the SC/ST Act to be false and it is only then that the FIR had registered on 30.09.2016 under Sections 323, 506, 34 IPC. This Court finds the contention raised by counsel to be not without merit.

Notice of motion, returnable by 03.04.2017.

In the meanwhile, petitioners are directed to appear before Investigating Officer and to join investigation.

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

Learned State counsel upon instructions from ASI Shamsheer Singh apprises the Court the petitioners have since joined investigation. State counsel also submits that petitioners having joined investigation, their custodial interrogation would not be required.

Accordingly, prayer made in the instant petition is accepted. Order dated 20.01.2017 passed by this Court is made absolute.

Disposed of.

03.04.2017

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |