

CRM-M-24526-2017

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

CRM-M-24526-2017

Date of Decision:17.08.2017

Satyawan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sagar Aggarwal, Advocate,
for the petitioner.

Mr. B.S.Virk, DAG, Haryana.

INDERJIT SINGH, J.

Petitioner-Satyawan has filed this petition under Section 438 read with Section 482 Cr.P.C. for grant of anticipatory bail in case FIR No.38 dated 13.04.2017, registered at Police Station Dhand, District Kaithal, under Sections 148, 149, 323 and 506 IPC and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity, 'SC & ST Act, 1989').

Notice of motion has been issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Perusal of the FIR shows that there is a dispute in respect of causing simple injuries. There is nothing in the FIR that words regarding

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caste have been used with intent to humiliate the complainant as a member of the Scheduled Caste or Scheduled Tribe. From the perusal of record, it looks that the accused abused the complainant in a fit of anger by uttering the words '*dedh kamine*'.

At this stage, it is a debatable issue whether an offence under Section 3 of the SC & ST Act, 1989 is made out or not, but without discussing the facts of the case in minute details and without expressing any opinion on the merits of this case, I find that since the petitioner has already joined the investigation; he is not required for custodial interrogation and nothing is to be recovered from him, therefore, no useful purpose will be served by sending him to custody. Therefore, finding merit in this petition, the same is allowed and the order dated 13.07.2017, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

17.08.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No