

205/.A.

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

CRM-M-27249-2017

Date of decision:02.11.2017.

MANISH KUMAR

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vinod Bhardwaj, Advocate, for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 438 Cr.P.C. read with Section 482 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.77 dated 01.07.2017 under Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'Act 1989') and Section 506 IPC, registered at Police Station Siwan, District Kaithal.

Learned counsel for the petitioner states that pursuant to the order dated 28.07.2017 passed by this Court, the petitioner has joined the investigation. He has reiterated the argument that the petitioner has falsely been implicated in the case for the reason that he has sought information under the Right to Information Act against the wife of the complainant, who was the Sarpanch of the Village Pabsar, Tehsil Siwan, District Kaithal.

On the other hand, learned State counsel has argued that in

view of Section 18 of Act 1989, the present petition seeking

anticipatory bail is barred.

I have heard learned counsel for the parties.

Considering the fact that the petitioner has joined the investigation and noticing the fact that the allegation made in the complaint submitted by the complainant are yet to be established, this Court finds that the order dated 28.07.2017 passed by this Court deserves to be made absolute. The ingredients as made in the Act, 1989 that the petitioner uttered the offending words in public view are subject matter of trial. The petitioner has filed this petition seeking anticipatory bail under Section 438 Cr.P.C. read with Section 482 Cr.P.C.

In view of above, present petition is allowed and the interim bail granted to the petitioner vide order dated 28.07.2017 is made absolute.

However, if required, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

02.11.2017

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Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.