

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

**CRM No.M-33483 of 2017 (O&M)
Decided on: 28.11.2017**

Dharamvir @ Leelu

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Mansur Ali, Advocate for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Arjun Atri, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.180 dated 14.05.2017 registered under Sections 3/33/89 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 323 IPC (Section 506 IPC added later) at Police Station Tauru, District Mewat.

Vide order dated 11.09.2017, while staying the arrest of the petitioner, the following observations was made by this Court:-

“This is a petition under Section 438 Cr. P.C. for grant of anticipatory bail to the petitioner in case FIR No. 0180 dated 14.5.2017, under Section 3-33- 89 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 323 IPC (Section 506 IPC added later on) registered at Police Station Tauru, District Mewat.

Learned counsel for the petitioner submits that in pursuance to the complaint dated 1.4.2017 (Annexure P-1) parties were challaned under Section 107/150 Cr. P.C. (Annexure P-3) vide DDR No. 9 dated 24.4.2017

(Annexure P- 2). He further submits that a perusal of the FIR shows that there is dispute between the parties regarding the payment of money and at one instance, the allegations are against the co-accused that he has made a telephonic call by passing certain derogatory marks in the name of his caste. Again on 31.3.2017, when the complainant was in the shop, petitioner again abused him in the name of his caste.

It is further submitted on behalf of the petitioner that this is a dispute relating to the business transaction which has been given the colour of criminal litigation and even as per the FIR, where the allegations were levelled, regarding the abusing of the petitioner in the name of caste, is not a place of public view.

Notice of motion for 10.10.2017.

Mr. Arjun Atri, Advocate has filed his vakalatnama to appear on behalf of complainant.

In the meantime, arrest of the petitioner shall remain stayed subject to the conditions mentioned below, as envisaged in Section 438(2) Cr.P.C :-

- 1. He shall make himself available for interrogation by a police officer as and when required;*
- 2. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
- 3. He shall not leave India without previous permission of the Court.”*

Thereafter, on 10.10.2017, again the petitioner was directed to join the investigation as requested by counsel for the State on the asking of the Investigating Officer.

Counsel for the State, on instructions from SI Ravidner Kumar, assisted with counsel for the complainant submits that the

petitioner has re-joined the investigation and the challan is likely to be presented. It is further submitted that the petitioner is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 11.09.2017 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

28.11.2017
yakub

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