

CRM-M-38524-2017

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

CRM-M-38524-2017

Date of Decision: 30.11.2017

Sarpanch Ramesh Kumar and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. S.S.Gill, Advocate,
for the petitioner.

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

Ms. Aarti Kaur, Advocate,
for the complainant.

INDERJIT SINGH, J.

Petitioners-Sarpanch Ramesh Kumar and Jai Bhagwan have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.94 dated 02.05.2017, registered at Police Station Kalayat, District Kaithal, under Sections 148, 149, 323, 325 and 506 of the Indian Penal Code and Section 3(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity, 'SC & ST Act, 1989').

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and complainant also appeared through his counsel. They contested this petition.

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

From the record, I find that the petitioners have already joined the investigation. They are not required for custodial interrogation. Nothing is to be recovered from them. Therefore, no useful purpose will be served by sending the petitioners to custody.

With regard to the allegations under the SC & ST Act, 1989, I have perused the FIR. There is no allegation that the complainant belongs to the Scheduled Caste or injuries were given with bad intention or any words regarding caste have been uttered, nor the caste of the accused have been mentioned.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 11.10.2017, granting interim bail to the petitioners, is made absolute. However, the petitioners 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.

However, it is made clear that whatever observations given above are only for the purpose of deciding this petition and the same do not construe my opinion on the merits of the case.

30.11.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

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