

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

CRM-M-15300 of 2018
Date of Decision:21.05.2018

Kuldeep Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. R.S. Longia, Advocate
for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

MAHABIR SINGH SINDHU, J.(Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No.634 dated 20.12.2017 registered under Sections 323, 325, 341, 427, 148, 149 and 506 of the Indian Penal Code and Section 3(2) of the Scheduled Casts & Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Pehowa, District Kuruskshetra.

On 18.04.2018, while issuing notice of motion, the following order was passed by this Court:-

“It is contended by learned counsel for the petitioner that neither the petitioner is named in the FIR; nor anything is to be recovered from him. Even the provisions of Section 3 of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 ('Act" - for short) were added subsequently on the basis of supplementary statement of the complainant. It is further contended that learned Additional Sessions Judge, Kurukshetra has dismissed the bail application as '*not maintainable*' even after taking note of judgment of Hon'ble Supreme Court passed in **Criminal Appeal No.416 of 2018** titled as **Dr. Subhash Kashinath Mahajan vs. The State of Maharashtra and another.**

Notice of motion for 19.4.2018.

To be heard along with **CRM-M-8679-2018.**

On the asking of the Court, Mr. Vikas Malik, D.A.G., Haryana, who is present in the Court, accepts notice on behalf of the sole respondent- State. A complete set of the petition be supplied to the State counsel during the course of the day. In the meanwhile, the petitioner is directed to join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C..”

It is contended by learned counsel for the petitioner that in terms of the order dated 18.04.2018, the petitioner has joined investigation and his custodial interrogation is no longer required.

On instructions from SI Baljeet Singh, the above factual position is duly acknowledged by learned State counsel and stated that the custodial interrogation of the petitioner is no longer required.

In view of the above, the order dated 18.04.2018 is made

absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off.

[MAHABIR SINGH SINDHU]
JUDGE

May 21, 2018
rashmi

Whether speaking/reasoned	yes/no
Whether reportable?	yes/no