

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

(i) CRM No.M-21029 of 2018 (O&M)

Vinay Raghav
...Petitioner

VERSUS

State of Haryana
...Respondent

(ii) CRM No.M-25453 of 2018 (O&M)

Sanjay Raghav
...Petitioner

VERSUS

State of Haryana
...Respondent

(iii) CRM No.M-25664 of 2018 (O&M)

Kapil Raghav
...Petitioner

VERSUS

State of Haryana
...Respondent

(iv) CRM No.M-25835 of 2018 (O&M)

Manish Kumar
...Petitioner

VERSUS

State of Haryana
...Respondent

Date of Decision: August 31, 2018

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Arun Sharma, Advocate
for the petitioners.

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

INDERJIT SINGH, J.

All the above-mentioned cases are taken up together as these have arisen from same FIR.

Petitioners have filed these petitions under Section 438 Cr.P.C. read with Section 482 Cr.P.C. for grant of anticipatory bail in case FIR No.105 dated 30.04.2018 under Sections 294, 506 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, registered at Police Station Sector-37, District Gurugram.

Notice of motion was issued. Learned State counsel appeared and contested the petitions.

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

Learned counsel for the petitioners argued that petitioners have not committed any offence under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, as no derogatory language has been used and even, mobile phone has not been used for that purpose. It is also stated that the Coordinate Bench on the previous date i.e. on 22.05.2018, while passing the order has observed that in view of the submissions made by learned counsel for the parties, this Court is of the

considered view that the petitioner is entitled to the benefit as has been

prayed for because prima facie, as of now, it appears that petitioner has not committed offence under Section 3 of the SCST Act.

The petitioners have already joined the investigation. They are not required for custodial interrogation. No useful purpose will be served by sending the petitioners to custody.

Keeping in view the facts and circumstances of the case and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case where petitioners are entitled to benefit of anticipatory bail. Therefore, finding merit in all the petitions, the same are allowed. The order dated 22.05.2018 passed in CRM No.M-21029 of 2018, order dated 08.06.2018 passed in CRM No.M-25453 of 2018, order dated 12.06.2018 passed in CRM No.M-25664 of 2018 and order dated 13.06.2018 passed in CRM No.M-25835 of 2018, granting interim bail to the petitioners, are made absolute.

However, nothing stated above, shall constitute my opinion on merits of the case.

August 31, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No