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

C.R.M-M No.737 of 2019 (O&M)

Date of Decision : 23.01.2019

Narender Kumar Patad and others

..... Petitioners

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Raman Chawla, Advocate
for the petitioners.

Mr. Himmat Singh, D.A.G., Haryana.

AJAY TEWARI, J. (Oral)

Prayer in the present petition filed under Section 438 of the Cr.P.C. is for grant of anticipatory bail to the petitioners in case FIR No.286 dated 20.12.2018 registered under Sections 3(1)(xiv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 323, 34, 342 and 506 IPC and Section 325 IPC (added later on) at Police Station Uklana, District Hisar.

As per the FIR, the complainant was present in his shop when the petitioner No.1 alongwith the girl came into his shop, dragged him out and started beating him. Some people came to help him but the petitioner No.2 also came and gave blows and that person ran away. In the meantime, petitioners No.3 and 4 also came there and started beating him and while

beating the complainant they were saying that 'today they will teach a lesson

to these Dhedh person'. It is further alleged that the petitioner No.2 further threatened the complainant by saying that he would kidnap his sister.

The case of the petitioners on the other hand is that the daughter of the petitioner No.2 who is a minor 10th class student was being repeatedly harassed by the complainant and 2 or 3 other boys and they have been implicated in a false case only because that girl was not succumbing to the advances of the complainant.

Learned Senior Deputy Advocate on instructions from ASI Jai Bhagwan has argued that question of it being a false case does not arise since the complainant has suffered three fractures.

An overview of the facts reveal that the center point of the dispute is minor girl because even the FIR (Annexure P-1) mentions girl. The threat that the petitioner No.2 would kidnap the sister of the complainant could also indicate the same thing.

Counsel for the petitioner has further argued that even if the argument taken by the learned Senior Deputy Advocate General is taken to be correct (though not accepted), it only reveals that the petitioners were sick and tired of the complainant harassing the minor daughter of the petitioner No.2 and in a fit of anger he may have caused some injuries to him but it is not a case of custodial interrogation. Otherwise also, the antecedents of the petitioners are absolutely clean which fact has been accepted by the learned Deputy Advocate General.

In my opinion, no useful purpose would be served by taking the petitioners in custody. In the circumstances, without going into the merits of the case, I do not deem it appropriate to deny the concession of

anticipatory bail to the petitioners. Resultantly, the petition is allowed. In

the event of arrest of the petitioners, they shall be released on bail by the Investigating Officer subject to the conditions as envisaged under Section 438(2) Cr.P.C.

The petitioners are directed to appear before the investigating officer on 04.02.2019 and on any other date as and when their presence is required.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

January 23, 2019
pooja/ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No