

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-9111 of 2019 (O&M)

Date of Decision: 24.07.2019

Ravi @ Rakesh Jakhar

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Munish Sharma, AAG Haryana.

Mr. Abhishek Goyal, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

CRM-21854-2019

Application is allowed as prayed for and documents are taken on record as Annexure A-1 to A-8, subject to all just exceptions.

CRM-M-9111-2019

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.393 dated 20.10.2018 registered for offences punishable under Sections 323, 325, 506 read with Section 34 of Indian Penal Code and 3(2) (V'a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (later referred as 'SC/ST Act'), at Police Station Chand Hut, District Palwal.

Heard.

As per allegations in the FIR, the occurrence took place on

23.09.2018 in which complainant was given injuries by three persons. He

has alleged that all the accused while going from the spot used words “*Saale Chamaar Nich Kamin*, we will kill you.”

The police conducted investigation and found allegations attracting the provisions of Section 3 of the SC/ST Act as false. The complainant has not attributed any specific word to any of the accused, rather a general attribution has been made in the FIR. In further investigation offence under Section 3 of the SC/ST Act was again added in the case.

Learned State counsel submits that petitioners have joined the investigation, which is still in progress.

Learned counsel for the complainant submits that from the medical evidence provisions of Section 326 IPC has also been attracted in this case but the police has not incorporated this section in the FIR so far.

At this stage, learned State counsel under instructions from ASI Suresh Kumar submits that the offence punishable under Section 326 IPC has also been added in this case.

It has also been pointed out that there is enmity between the parties and two FIRs have been registered against the complainant out of which one was got registered by the petitioner while the other was got registered by another person for giving him a knife blow.

Keeping in view the fact that petitioner has joined the investigation and the issue whether provisions of SC/ST Act are applicable to the facts of this case is an issue on which investigating officers have difference of opinion and this fact will be seen by the police while presenting challan and by Court while framing charge, this petition is allowed and order dated 14.03.2019 is made absolute till the presentation of

challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

July 24, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No