

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

CRM No.M-28976 of 2018 (O&M)

Date of Decision: July 02, 2019

Ashok

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.J.S.Thind, Advocate
for the petitioner.

Mr.Chetan Sharma, AAG, Haryana
for the respondent-State.

None for respondent No.2-complainant.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.314 dated 04.06.2018 under Sections 3(1)(a) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, registered at Police Station City, Bhiwani.

Notice of motion was issued. Learned State counsel appeared and contested the petition. No one has put in appearance on behalf of respondent No.2-complainant despite service.

Learned counsel for the petitioner argued that there is motive with the complainant against the present petitioner. He contended that general allegations have been levelled and when alleged occurrence took

place, no person was present. The words were not used in presence of public persons. The allegation is that one Deepak Baweja came on the spot but at that time, it is simply mentioned that accused started abusing in filthy language. Learned counsel for the petitioner further contended that caste related words were not used in the public and further, in the FIR, nowhere, caste of the accused has been mentioned or that accused does not belong to scheduled caste or they belong to higher caste.

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

From the arguments, I find that it is still debatable whether offence under SC/ST Act is made out or not and accused have intentionally used those words to lower the reputation of the complainant.

The petitioner has already joined the investigation. He is not required for custodial interrogation. No useful purpose will be served by sending and keeping the petitioner in custody till the disposal of the case.

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 the petitioner is entitled to benefit of anticipatory bail. Therefore, the present petition is accepted and the order dated 13.07.2018 granting interim bail to the petitioner, is made absolute.

July 02, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No