

**CRM-M-19679-2019,
CRM-M-19773-2019 and
CRM-M-27551-2019**

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

Date of Decision: 18.07.2019

1. CRM-M-19679-2019

Devender @ Kala and others

... Petitioners

Versus

State of Haryana

... Respondent

2. CRM-M-19773-2019

Monu

... Petitioner

Versus

State of Haryana

... Respondent

AND

3. CRM-M-27551-2019

Sansar and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. S.S.Sahu, Advocate,
for the petitioners in CRM-M-19679-2019 and
CRM-M-19773-2019.

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Mr. Ajit Kumar Sharma, Advocate,
for the petitioner in CRM-M-27551-2019.

Mr. Sulinder Kumar, AAG, Haryana.

Mr. Naresh Kumar Chhokar, Advocate,
for the complainant.

INDERJIT SINGH, J.

This order shall dispose of CRM-M-19679-2019, filed by petitioners-Devender @ Kala, Surender, Azad, Brahm, Pahal Singh, Suresh and Karambir, CRM-M-19773-2019, filed by petitioner-Monu and CRM-M-27551-2019, filed by petitioners-Sansar and Nawab, under Section 438 of the Cr.P.C. for grant of anticipatory bail in a case FIR No.37 dated 27.02.2019, registered at Police Station Sanoli, District Panipat, under Sections 148, 149, 323, 379, 379-B and 506 of the IPC, Section 3 of the SC & ST Act, 1989 and Section 379-B of the IPC deleted later on.

Notice of motion was issued in all these petitions. Learned State counsel put in appearance on behalf of the respondent-State and complainant has also appeared through his counsel. They contested all these petitions.

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

At the time of arguments, it is argued that offence under Section 379-B of the IPC has already been deleted. Otherwise also, allegations are only that during fight, one gold chain etc. were snatched by the accused.

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It is argued by learned State counsel that two injuries have already been declared grievous by way of blunt weapon.

Learned counsel for the complainant argued that anticipatory bail under Section 3 of the SC & ST Act, 1989 is not maintainable.

On the other hand, learned counsel for the petitioners argued that from the perusal of FIR, no offence under Section 3 of the SC & ST Act, 1989 is made out.

There is nothing in the FIR that the accused are from the higher caste or they are scheduled castes. Therefore, one of the necessary ingredients for making out the offence under Section 3 of the SC & ST Act, 1989 is missing.

In pursuance of the interim orders dated 02.05.2019 passed in CRM-M-19679-2019, dated 02.05.2019 passed in CRM-M-19773-2019 and dated 01.07.2019 passed in CRM-M-27551-2019 by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation. Nothing is to be recovered from them. Therefore, no useful purpose will be served by sending them to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find that it is still debatable whether Section 3 of the SC & ST Act, 1989 is made out or not. Therefore, finding merits in all these petitions, the same are allowed. The interim orders dated 02.05.2019 passed in CRM-M-19679-2019, dated

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02.05.2019 passed in CRM-M-19773-2019 and dated 01.07.2019 passed in CRM-M-27551-2019, granting interim bail to the petitioners, are made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

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

18.07.2019
parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No