

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

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Criminal Misc. No.M-23646 of 2019

Date of decision : 12.07.2019

Nishant Kumar and others

... Petitioners

Versus

The State of Haryana

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Sanpreet Sandhu, Advocate for the petitioners.

Mr. D.R. Singla, DAG, Haryana.

Anupinder Singh Grewal, J. (Oral)

The petitioners are seeking anticipatory bail in FIR No. 490 dated 15.12.2018, under Sections 148, 149, 447, 448, 427, 506, 120-B, 380 and 454 of the Indian Penal Code, 1860 ('IPC' - for short), and Section 3 (ii) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SC&ST Act' - for short), registered at Police Station Farakpur, District Yamuna Nagar.

Learned counsel for the petitioners contends that earlier in the FIR offences under Sections 148, 149, 379, 447, 448, 427, 452, 506 and 120-B of the IPC had been mentioned. However, later on Sections 379 and 452 of the IPC were deleted and Sections 380 and 454 of the IPC and Section 3 (ii) (v) of the SC&ST Act were added. Learned counsel contends that earlier the petitioners had been granted regular bail and now they are seeking anticipatory bail pertaining to the offences under afore-noted sections, which have been added later on. He also contends that the allegations in the FIR *prima facie* do not constitute an offence under the SC&ST Act. He further contends that the petitioners have never misused the concession of regular bail.

This Court, by the order dated 23.05.2019, had directed the petitioners to appear before the Investigating/Arresting Officer and join the investigation and in the event of their arrest, they were to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, upon instructions from ASI Mehar Lal, states that the petitioners have joined investigation and are not required for custodial interrogation.

In view of the submissions of learned counsel for the petitioners and keeping in view the fact that the petitioners have joined investigation, the order dated 23.05.2019 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

July 12, 2019
sonia gugnani

Whether speaking/reasoned : Yes
Whether Reportable : Yes/No