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

CRM-M-25670 of 2019

Date of decision: September 13, 2019

Jamshed and others

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Manoj Kaushik, Advocate for the petitioners.

Mr. Arun Beniwal, DAG Haryana.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to petitioners, in FIR No.327 dated 14.11.2017, under Sections 147, 149, 447, 448, 506 of the Indian Penal Code, 1860 and Section 3 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Bahin, District Palwal.

As per prosecution case, petitioners took illegal possession of the house of the complainant and abused him with caste words. They also threatened him with dire consequences.

On 31.05.2019, while issuing notice of motion, this Court has passed the following order:-

“Contends that on the basis of Agreement dated 03.10.2000 (P-3), executed between the father of the petitioners and real brother of the complainant, namely, Kishan Singh, the possession of the house in question was handed over to them wayback in 2000, but after a period of 17 years, the FIR has been registered on 14.11.2017, which is nothing, but misuse of the process of law. Also contends that there is no allegation that any word was uttered

regarding the caste of the complainant in public view, thus, the provisions of Section 3 of the SC/ST Act are not attracted.

Notice of motion for 02.08.2019.

In the meanwhile, the petitioners are directed to join the investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit them to interim bail till the next date of hearing in the present case on their furnishing adequate bail and surety bonds to his satisfaction. The petitioners are also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from Assistant Sub Inspector Harim Om, has stated that in terms of order dated 31.05.2019, the petitioners have joined investigation and their custodial interrogation is not required.

In view of the above, order dated 31.05.2019 granting interim bail to the petitioners, is made absolute subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that the petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

September 13, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No