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

CRM-M-26621 of 2019

Date of decision: November 16, 2019

Virender Bhadana @ Pappan and others

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Bhupinder Ghai, Advocate for the petitioners.

Mr. Arun Beniwal, DAG Haryana.

Mr. Arun Sharma, Advocate for
Mr. M.K. Sood, Advocate for the complainant.

MAHABIR SINGH SINDHU, J

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.225 dated 20.05.2019, under Sections 323, 34, 506 of the Indian Penal Code, 1860 (for short 'IPC') and Section 3 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, registered at Police Station Dabua, Faridabad.

On 12.06.2019, while issuing notice of motion, this Court has passed the following order:-

“Learned counsel for the petitioners submitted that complainant is the Sarpanch of Gram Panchayat Palli, District Faridabad. Petitioners moved an application under RTI Act dated 06.05.2019 (Annexure P-2) to the Public Information Officer Block Development and Panchayat Officer, Faridabad. Said officer further sought information

from the complainant vide Annexure P-3 dated 15.05.2019. Thereafter, present FIR was lodged on 20.05.2019 by the complainant alleging that on 19.05.2019, after obtaining approval from the Government, the complainant had started to get digging the foundation for construction of a community center for Balmiki community over the land of Balmiki community lying vacant near the Bus Stand. In the meanwhile, petitioners came at the spot and they got stopped the construction work and they demanded passage from the said land but complainant refused to give passage to them and they started quarreling with the complainant and called him with the caste symbols. It has been submitted that the said application is the counter-blast of Annexure P-23 and no case under SC& ST Act is made out.

Notice of motion for 11.07.2019.

In the meanwhile, petitioners are directed to surrender before the Arresting/Investigating Officer and join the investigation. On doing so, they shall be released on interim bail, subject to their furnishing bonds to the satisfaction of Arresting/Investigating Officer. However, they shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C. failing which they shall lose the benefit of interim bail allowed to them.”

Learned State counsel, on instructions from SI Jagbir Singh, has stated that in terms of order dated 12.06.2019, the petitioners have joined investigation and their custodial interrogation is not required.

In view of the above, order dated 12.06.2019 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

November 16, 2019
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No