

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

CRM-M-35233-2019

Date of decision-17.12.2019

Dholu @ Bijender

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Abhishek Sindhvani, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.165 dated 17.04.2019 under Sections 147, 149, 323 and 506 of Indian Penal Code, 1860 and Section 3 (2) (v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Tosham, District Bhiwani. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 28.08.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the petitioner has been falsely indicted in this case, as the alleged utterances inviting the offence punishable under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are attributed

to accused Krishan. He submits that the petitioner is not named in the FIR. He further contends that allegation of snatching of ₹50,000/- from the complainant was not believed as no such offence in that respect was incorporated in the FIR.

Considering the averments, there are reasonable grounds for exercising the inherent powers under Section 482 Cr.P.C. as provisions of Section 438 Cr.P.C. are not applicable in view of Section 18 of the Act.

Notice of motion for 17.12.2019.

In the meanwhile, petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Suresh Kumar does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Suresh Kumar further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 28.08.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

17.12.2019

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