

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41884-2019 (O&M)
Date of decision: 04.10.2019

Meena and others

... Petitioners

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Loveleen Dhaliwal, Advocate
for the petitioners.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Arjun Sheoran, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.128 dated 16.07.2019 under Sections 323, 341, 427, 147, 506, 149 IPC [Section 325 IPC and Section 3(2)(Va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC&ST Act') were added subsequently], registered at Police Station Pilukhera, District Jind.

While granting interim bail to the petitioners, following order was passed by this Court on 26.09.2019: -

“...Learned counsel for the petitioners submits that co-accused of the petitioners, namely Jai Kishan and Bir Singh @ Vir Singh,

have already been granted concession of interim anticipatory bail by this Court, vide order dated 13.09.2019 passed in CRM-M-39405-2019...”

Learned counsel for the petitioners submits that from bare perusal of the FIR, there is no allegation that the complainant either belongs to SC/ST category or the petitioners knew that he belongs to SC/ST category and therefore, the police, while registering the FIR, did not invoke the provisions of Section 3 (2) (Va) of SC&ST Act. It is further submitted that in pursuance of the aforesaid order, petitioners have joined the investigation and are not required for any further investigation.

Learned State counsel, on instructions from ASI Ram Chander, has not disputed the factual position and states that the petitioners are no more required for any further investigation.

Learned counsel for the complainant has however submitted that as per provisions of Section 18A of SC&ST Act, there is no requirement of any inquiry for registration of the FIR and no approval is required for arrest of the accused person.

After hearing learned counsel for the parties, considering the fact that since in the FIR, no such allegations were levelled, the Investigating Officer, who arrested the petitioners, at the first instance and thereafter, released him on bail, had no occasion to invoke the provisions of Section 3 (2) (Va) of SC&ST Act.

Accordingly, this petition is allowed and the interim bail granted to the petitioners vide order dated 26.09.2019 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Anything observed in this order shall have no bearing on merits of the case.

04.10.2019
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No