

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

**CRM-M No.46277 of 2019 (O&M)
Date of Decision: 16.12.2019**

Mukesh @ Maghu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Hitesh Verma, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case bearing FIR No.304 dated 02.10.2019, under Sections 323, 341, 365, 34, 506 of the Indian Penal Code, 1860 (Section 365, IPC added later on) and Section 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Siwani, District Bhiwani.

This Court, on the previous date of hearing i.e. 06.11.2019, passed the following order:-

“ Contends that complainant is a previous convict under Section 354 of the Indian Penal Code, 1860 and Section 3 of the Protection of Children from Sexual Offences Act, 2012 and his appeal is pending before this Court. Further contends that there are no allegations of caste related utterances in the initial version of the complainant, thus, prima-facie, Section 3 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 is not attracted in this case.

Faced with the situation, learned State counsel seeks time to verify the above factual position.

Adjourned to 15.12.2019.

In the meanwhile, the petitioner is directed to join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973. ”

Contents that in terms of the above order, petitioner has joined the investigation.

Learned State Counsel, on instructions from A.S.I. Ramesh Kumar, has acknowledged that in terms of order dated 06.11.2019, petitioner has joined the investigation and his custodial interrogation is not required. Also stated that there is no other criminal case pending against the petitioner.

In view of above, interim order dated 06.11.2019 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

Disposed off accordingly.

December 16, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>