

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

202

**CRM-M-15360-2020
Decided on : 26.08.2020**

Sushil

... Petitioners

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Vikas Bishnoi, Advocate for the petitioner (s).

Mr. Anant Kataria, DAG, Haryana.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

In the present petition filed under Section 438 Cr.P.C. read with Section 482 Cr.P.C., the petitioners seek anticipatory bail in case FIR No.39 dated 05.05.2020 under Sections 323, 354-A, 354-B, 451, 506 IPC and Section 3 of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 registered at Women Police Station Sirsa, District Sirsa.

Vide order dated 07.07.2020, the interim protection had been granted to the petitioner. The said order reads as under:-

“Counsel *inter alia* contends that provisions of Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989 are not made out. It is submitted that from the bare perusal of the FIR there are no allegations as such of calling the complainant by her caste in interrogatory manner. Similarly, it is submitted that there are no averments qua Section 3(1)(w) that the molestation as such was done knowing that the petitioner

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

CRM-M-15360-2020

-2-

belong to the said caste. Accordingly, reliance is placed upon the judgment of the Apex Court in *Special Leave Petition (Crl.) No. 6432 of 2012, Vilas Pandurang Pawar and another vs. State of Maharashtra and others*. It is accordingly submitted that the incident is of 04.05.2020 whereas, the FIR was lodged at 7:28 p.m. on 05.05.2020. The same is on account of the fact that the husband of the complainant is selling illegal liquor and the Sarpanch is also aggrieved against the petitioner as he has filed an application against him under the Right to Information Act, 2005.

Notice of motion.

Mr. Vishal Malik, DAG, Haryana accepts notice.

Adjourned to 26.08.2020.

In the meantime, it is directed that the petitioner shall join investigation and in the event of arrest of the petitioner, he shall be released on ad-interim bail subject to the satisfaction of the investigation officer. The petitioner shall join investigation as and when required and shall comply with the conditions laid down in Section 438(2) Cr.P.C.

Counsel for the State on instructions from SI Sunita Rani has submitted that the petitioner has joined investigation and is not required for further investigation.

Accordingly, keeping in view the above, the interim bail granted to the petitioner is confirmed and the present petition is disposed off, accordingly.

AUGUST 26, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No