

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

105

CRM-M No.20099 of 2020
DATE OF DECISION : 23rd JULY, 2020

Ashwani @ Sonu

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present: Mr. Abhimanyu Singh, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory/pre-arrest bail in case FIR No.363 dated 15.10.2019 registered under Sections 323 & 506 IPC [Section 3(1)(R) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment, 2015) (in short SC/ST Act), has been added later on] at Police Station Dharuhera, District Rewari.

It is contended by counsel for the petitioner that the allegations against the petitioner are totally mischievous and false. In fact, initially, the complainant had lodged a complaint of altercation and small time fight on the pretext that the petitioner had proclaimed that he would not permit the complainant to contest the election. With these allegations, the FIR was registered. However, the petitioner was granted bail in the matter. But on the very next date of grant of bail to the petitioner, the complainant is said to have moved some application before the police, in which he has claimed that the offence under the SC/ST Act be also invoked in the matter.

Notice of motion.

Mr. Amit Aggarwal, DAG Haryana, accepts notice on behalf of the State.

Learned State counsel, being instructed by SI Manoj Kumar, has submitted that although, in the first instance, the complainant had not levelled any allegation qua any offence under the SC/ST Act, however, the complainant had later on moved an application for invoking the offence under the SC/ST Act, as well. Hence, the offence under the SC/ST Act has been invoked by the police against the present petitioner. However, it is not disputed that the complainant had moved this application only after the petitioner had been granted bail by the trial court in this very matter. It is also not disputed that the complainant had raised this dispute with regard to the alleged blockade of his political activity only.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

23rd JULY, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No