

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29992-2020

Date of decision: - 12.11.2020

Rinku @ Rinku Kumar

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Rahul Bhargava, Advocate, for the petitioner.

Ms. Tanisha Peshwaria, Deputy Advocate General, Haryana.

Mr. J.P. Sharma, Advocate, for the complainant.

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.415 dated 31.12.2019 under Sections 323, 452, 506, 147, 149 IPC and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Nangal Choudhary, District Mahendergarh.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 28.09.2020. Order dated 28.09.2020 is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR

No.415 dated 31.12.2019 under Sections 323, 452, 506, 147, 149 IPC and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Nangal Choudhary, District Mahendergarh.

Learned counsel for the petitioner argues that the petitioner is a young college going student, who has been falsely implicated in the present FIR. Learned counsel for the petitioner submits that the present FIR is the result of the enmity between the families of complainant and the accused. As per the learned counsel for the petitioner, the petitioner never used any word against the complainant or his family and the allegations alleged in respect of Section 3 of the SC and ST Act, 1989 are incorrect and false. Learned counsel for the petitioner further submits that no recovery is to be effected from the petitioner and similarly situated co-accused namely Neeraj Kumar @ Neeraj has already been extended the benefit of anticipatory bail by this Court in CRM-M-24419-2020 on 04.09.2020.

Notice of motion.

Ms. Rajni Gupta, learned Additional Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that the allegations alleged against the accused are serious.

Learned counsel for the respondent-State concedes that physical beating without grievous injury has been attributed to the petitioner. Learned counsel further concedes that the allegations against the petitioner and co-accused Neeraj Kumar @ Neeraj, who has already been extended the benefit of anticipatory bail, are similar.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegation against the petitioner in the present case is with regard to the physical beating of the complainant. No grievous injury is attributed to the petitioner inflicted. Further, once a similarly situated co-accused has been extended the benefit of

anticipatory bail, on the ground of parity, the petitioner is also entitled for the same unless and until any differentiating fact is brought to the notice of this Court to deny the said benefit. In the present case, no differentiating fact between the petitioner and co-accused Neeraj Kumar @ Neeraj, has been brought to the notice of this Court.

As the petitioner has undertaken to join the investigation and co-operate with the same, he has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

Adjourned to 11.11.2020.

To be heard with CRM-M-24419-2020.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Raj Karan states that

in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required, at this stage.

In view of the above, the order dated 28.09.2020 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 12, 2020
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No