

S.No.107

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

CRM-M-34188 of 2020 (O&M)

Date of Decision:28.10.2020

Suresh Kumar

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

=====
IN VIRTUAL COURT
=====

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Priyavrat Parashar, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.302 dated 30.09.2020 registered under Section 506 IPC and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the SC & ST Act') at Police Station Civil Lines, Kaithal, Haryana.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted. In fact, the case has been created by the complainant as a counter blast because the petitioner had lodged a complaint against the present complainant regarding corruption. Except the bald statement of the complainant, there is nothing to substantiate his allegations. Even if the allegations are taken on their face value, still the offence under the SC & ST Act is not disclosed in the matter. It is further submitted that undisputedly there has not been any injury to anybody in this incident. The only allegation is qua extending threat. The petitioner shall join the investigation. Hence, the petitioner deserves to be

protected against his arrest.

Notice of motion.

Mr. R.S. Jhand, Addl. AG, Haryana, accepts notice on behalf of the State.

Learned State Counsel, on instructions from DSP Daleep Singh, has submitted that there are specific allegations against the petitioner qua having used the caste indicative words against the police officials as well as qua extending threat to the complainant. Therefore, the petitioner does not deserve any protection against his arrest. However, it is not disputed that the petitioner had already made a complaint against the present complainant qua corruption by him in performance of his duties. It is also not disputed that except the alleged threat, there is not even allegation of causing any injury to any person in this matter.

In view of the above submissions, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/ surety bonds to the satisfaction of Arresting/ Investigating Officer. However, it is further directed that 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.

October 28, 2020
renu

(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No