

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.35638 of 2019

Date of Decision: January 10, 2020

Akbar & others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Brijender Kaushik, Advocate,
for the petitioners.

Ms. Tanu Shree Gupta, DAG, Haryana.

Mr. Abhimanyu Singh, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.106 dated 18.07.2019, under Sections 148, 149, 323, 452, 506 IPC and Section 3 of the Schedule SC/ST Act, 1989, registered at Police Station, Raipur Rani, Panchkula. The petitioners apprehended their arrest at the hands of police.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 29.08.2019, while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners.

The said order reads as under:-

“Learned counsel for the petitioner contends that the dispute between the parties is pending regarding panchayat land before the revenue Courts and on cross versions, two FIRs have been registered against both the parties. According to him, the ingredients to constitute the offence punishable under

Section 3 of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 (in short 'the Act') may not be made out from bare reading of the FIR No.106 dated 18.07.2019 registered at Police Station Raipur Rani, Panchkula. Since the provisions of Section 438 Cr.P.C. are not applicable in view of Section 18 of the Act, therefore, the power under Section 482 Cr.P.C. is being exercised in view of the reasonable grounds as contained in the petition.

Notice of motion for 10.01.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer.”

Learned counsel for the petitioners further contends that in deference to the said order, the petitioners submitted themselves before the police and joined the investigation. According to them, the petitioners cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by SI Rambhaj, does not dispute this fact that the petitioners have joined the investigation. Learned counsel, on instructions from SI Rambhaj, further states that the petitioners are not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 29.08.2019 is made absolute.

Petition stands disposed off.

January 10, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No