

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

**CRM-M-43331-2020
Date of decision: 22.12.2020**

Praveen

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vineet Kumar Jakhar, Advocate
for the petitioner.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 292 dated 20.11.2020, registered under Sections 354-A/506 of the IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) (*for short 'SC/ST Act'*) at Police Station Badhra, District Charkhi Dadri.

Learned counsel for the petitioner submits that the FIR was registered at the instance of complainant Anju Kumari. It is further submitted that the petitioner is a Constable in Railway Protection Force and certain documents are relied upon, vide which the petitioner was on leave from 15.11.2020 to 19.11.2020 for delivery of his wife and on 15.11.2020, a baby girl was born.

Learned counsel for the petitioner further submits that as per allegations in the FIR, when the petitioner was coming to his home, a person namely Baljit Singh demanded lift from petitioner along with four girls including the complainant, who are all residents of village

Shayam Kallan. Thereafter, Baljit Singh along with three girls namely Nazia, Priyanka and Ravita were dropped at the Bus Stand and complainant asked the petitioner to drop her at her house, which was adjacent to the house of petitioner.

Learned counsel for the petitioner further submits that as per allegations in the FIR, the petitioner thereafter tried to molest the complainant and since she belonged to schedule caste, the FIR was registered under Sections 354-A/506 IPC and Section 3 of SC/ST Act.

Learned counsel for the petitioner has placed on record the transcription of a recording (Mark 'A') of some communication of Suresh, father of the complainant, with some other person, wherein, he was demanding money to settle the dispute and further submits that in fact, father of the complainant had borrowed a sum of Rs.50,000/- from petitioner for marriage of his daughter Pooja and when the petitioner was blessed with a baby girl and asked for return of the said money, he has been implicated in the present case.

Learned counsel for the petitioner further submits that there is a delay of 28 hours in registration the FIR, which shows that the story is concocted one and no MLR was conducted.

Learned counsel further submits that except Section 3 of the SC/ST Act, all the offences are bailable.

Learned counsel for the petitioner has relied upon affidavits (Annexures P-5 to P-8) to submit that aforesaid three girls as well as said Baljit Singh have stated in their respective affidavit that no such

incident has taken place.

Learned counsel for the petitioner further argues that there is no allegation in the FIR that the petitioner had any knowledge about the caste of the complainant or he has committed any offence under Section 3 of the SC/ST Act as the police has invoked the same only because of the fact that complainant belonged to scheduled caste.

Learned counsel for the petitioner relies upon **2020(4) RCR (Criminal) 868 Hitesh Verma vs. State of Uttarakhand and another**, wherein Hon'ble Supreme Court has held that in the absence of intention to humiliate a member of scheduled castes or scheduled tribes for reason that the victim belongs to such caste, no offence under the SC/ST Act is established.

Notice of motion.

Mr. Sumit Jain, Addl. A.G., Haryana, who is also appearing through video conferencing, accepts notice on behalf of the respondent-State.

Learned State Counsel, on the basis of investigation as well as the documents relied upon by the petitioner, could not dispute the factual position.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the aforesaid facts and circumstances of the case as well as going through the contents of the document (Mark 'A'), the present petition is allowed and the petitioner is granted concession of anticipatory bail subject to the conditions envisaged

under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing him a written notice in this regard.

22.12.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No