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

**CRM-M-43541-2019
Date of decision-29.01.2020**

Sanjeev Kochhar

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Pawan Kumar Hooda, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

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.393 dated 10.09.2019 under Section 506 of Indian Penal Code, 1860 and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act') registered at Police Station Sector-5, Panchkula. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Since the FIR includes the offence punishable under SC/ST Act and the petition under Section 438 Cr.P.C is not maintainable in view of the bar contained in Section 18 of the said Act, therefore, present petition is treated under Section 482 Cr.P.C as there exists reasonable grounds for exercise of inherent powers.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 31.10.2019, the interim protection was extended to the petitioner. The said order reads as under:-

“Status Report by way of affidavit dated 30.10.2019 of Sh. Om Parkash, Assistant Commissioner of Police, Panchkula on behalf of the respondent/State has been filed. The same is taken on record. Copy supplied to the opposite side.

Perusal of paragraph 2 of the affidavit reveals that on 25.10.2019, statement of Sh. Vikram Chauhan, Advocate was recorded under Section 161 Cr.P.C., but he has not stated anything regarding the incident disclosed by Laxman Pandey.

In view of above, matter is adjourned to 29.11.2019 for further consideration.

In the meanwhile, the petitioner is directed to join the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner 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 Brijpal does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from SI Brijpal further states that the petitioner is 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 31.10.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

29.01.2020
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No