

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

CRM-M-2395-2021
Date of Decision : 18.01.2021

Rinku

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Ketan Antil, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.558 dated 16.12.2020 under Sections 148, 149, 323, 325, 506, 120-B of IPC, 1860; Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (*for short 'SC/ST Act'*) (Sections 325 and 120-B of IPC and Section 3 of the SC/ST Act added later on) registered at Police Station Gohana City, District Sonapat, Haryana.

Learned counsel for the petitioner submits that as per allegations in the FIR, complainant Sanjay is running a grocery depot in the village and on account of some previous altercation, there was a dispute between him and co-accused Rajender, however, the matter was settled between them through Panchayat but keeping a grudge, Rajender along with his son Rahul alias Bholu and others came to his shop and caused him injuries with their respective weapons.

Learned counsel for the petitioner further submits that petitioner was not named in the FIR, however, his name surfaced on the disclosure statement of one of the co-accused.

Learned counsel for the petitioner further submits that no enmity or motive is attributed towards the petitioner and the main accused including Rajender, against whom the motive is attributed, along with two other accused already stands arrested.

Learned counsel for the petitioner further submits that the only reason for dismissal of the anticipatory bail was that the Court of Sessions has no power to grant pre-arrest bail under Section 18 of the SC/ST Act.

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 could not dispute the factual position that the petitioner is not named in the FIR and was nominated on the statement of one of the co-accused, who stands arrested. It is also not disputed that three accused named in the FIR, who have allegedly caused injury to the victim, have already been arrested.

Without commenting on the merits of the case and considering the fact that petitioner was not named in the FIR and there is no allegation against him qua Section 3 of the SC/ST Act, 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 required, by issuing a written notice in this regard.

18.01.2021

Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No