

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202)

CRM-M-2683 of 2021

Date of Decision: 25.03.2021

Talvinder Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Parminder Singh, Advocate, for the petitioner.
Mr. Surender Singh, AAG, Haryana

Amol Rattan Singh, J. (Oral)

Case heard by way of video conferencing.

On 21.01.2021, the following order had been passed:

“Case heard by video conferencing.

By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR no.449, dated 22.10.2020, having been registered at Police Station Indri, District Karnal, alleging therein the commission of offences punishable under Sections 323/354/506 of the IPC and Section 3(2)(v)A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel for the petitioner submits that as a matter of fact the occurrence as is shown in the FIR never took place at all and the petitioner has been wholly falsely implicated on account of a dispute that his employer, one Mahesh Kumar, has raised, alleging that the petitioner has encroached upon his land whereas even as per a demarcation carried out by the local Patwari on the directions of the Tehsildar, the petitioner was not found to have encroached upon any land of his employers.

However, he submits that no official record was given to him qua such demarcation.

He further points to Annexure P-2 to submit that in the said letter

dated 15.9.2020, addressed by the Tehsildar to the SHO of Police Station Indri, an order passed by the District Magistrate on 4.8.2020 has been referred to but with the petitioner not even aware of that order which (as is contended) was not passed in the petitioners' presence.

Without making any comment on the correctness of the contentions raised today, since the contention of the petitioner is that the occurrence actually never took place at all and he has been falsely implicated on account of a land dispute, notice of motion is issued, with Mr.B.S.Virk, learned DAG, Haryana, accepting notice at the asking of the court.

Adjourned to 25.3.2021.

A gazetted officer is directed to file a reply to the petition before the next date of hearing, annexing therewith also the order dated 4.8.2020 as has been referred to in the letter of the Tehsildar, Indri, dated 15.9.2020, to the SHO, Police Station Indri (copy Annexure P-2).

In the meanwhile, the petitioner is directed to join investigation and upon him so joining if he is sought to be arrested, he shall be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the investigating officer does not actually join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court.

A copy of the petition be e-mailed today itself to learned State counsel by learned counsel for the petitioner.”

Today, learned State counsel, on instructions from ASI Ajmer Singh, submits that the petitioner in this petition has joined investigation and

presently at least his custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case, whatsoever, since the investigating agency itself does not require the custodial interrogation of the petitioner, this petition has in fact been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, he would be given 10 days notice before arrest, duly shown to be served upon him.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he/she would be always at liberty to avail of his/her remedy as per law.

25.03.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No