

205

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.6630 of 2021

Date of Decision:30.07.2021

RAMESH @MESHA AND OTHERS

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr.J.P Dhull, Advocate
for the petitioner.

Mr. Anant Kataria, DAG Haryana.

Mr. Vikram Singh, Advocate
for the complainant.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioners seek grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.38 dated 24.01.2021 registered under Sections 148, 149, 323, 421, 506 IPC and under Section 3(1) of Scheduled Caste and Scheduled Tribes Act, at Police Station Kurukshetra University, District Kurukshetra.

Notice of motion was issued on 12.02.2021 and following order was passed:-

"Heard.

Notice of motion.

Mr. P. P. Chahar, DAG, Haryana accepts notice on behalf of the respondent State and seeks time to file reply.

Adjourned to 30.07.2021.

Meanwhile, petitioners are directed to join the investigation within a period of one week and on doing so, the petitioners be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.

February 12, 2021
seema

(JAISHREE THAKUR)
JUDGE”

Learned counsel for the petitioner submits that the complainant earlier also got registered FIR No.214 dated 21.12.2020 under Sections 420, 406, 468, 471 IPC and Section 3(1) of SC/ST Act in Police Station Thanesar City, against the officials/ employees. After investigation by the Police, the offences were found to be false. Thereafter, cancellation report was submitted. Basic dispute was in respect of construction of a statue over a Panchayat land, which was already reserved for a pond. Some resolutions were also passed by the Panchayat. The allegations are that the resolutions were passed by the complainant after obtaining forged signatures of members of Panchayat. CWP No.8762 of 2020 is still pending in the High Court.

Learned counsel for the complainant submits that the petitioners have not approached the Court of Sessions at the first instance.

Learned counsel for the petitioners refutes the allegations on the strength that under Section 18 of the SC/ST Act, the anticipatory bail is not maintainable, however, the High Court while exercising inherent jurisdiction can interfere in the matter in case no offence is made out.

Learned State counsel on instructions from SI Wazir

Singh submits that in pursuance of order dated 12.02.2021, petitioners have joined the investigation to the entire satisfaction of the Investigating Officer and they are no more required for any custodial interrogation in the case.

In view of the aforesaid factual position, the interim order dated 12.02.2021 is made absolute. Petitioners shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

30.07.2021

Amandeep

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No