

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

201

CRM-M-7420-2021

Date of decision : 16.11.2021

Reena Sharma and another

Petitioners

V/S

State of Haryana

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Parmod Chauhan, Advocate
for the petitioner.

Mr. Vishal Malik, Deputy Advocate General, Haryana
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioners have filed the present petition under Section 438 read with Section 482 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.43 dated 01.02.2021 registered under Sections 323 read with Section 34 of the Indian Penal Code, 1860 and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station City, District Kaithal.

The operative part of the order dated 17.02.2021, vide which the petitioners have been granted interim bail, is reproduced below:-

“Learned counsel for the petitioners submits that Arun Sharma-husband of petitioner No.1 was a tenant in a shop owned by father-in-law of the complainant, namely, Pyare Lal. By virtue of Will dated 13.02.2020 (Annexure P-1), Pyare Lal had bequeathed all his moveable and immovable properties in favour of Arun Sharma-husband of petitioner No.1 and one Jagdish. In order to grab the properties bequeathed by Pyare Lal in favour of Arun Sharma, the present FIR has been registered. The dispute

in the present case is purely of civil nature, but the same has been given a colour of criminal case by the complainant. He further submits that anticipatory bail filed by the petitioners before learned Additional Sessions Judge, Kaithal was dismissed vide order dated 09.02.2021 primarily on the ground that the offence under Section 3(2)(va) of The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "the SC&ST Act") is there in the FIR and there is bar under Section 18 of the SC&ST Act to grant anticipatory bail.

Notice of motion for 21.05.2021.

Meanwhile, in the event of arrest of the petitioners, they shall be released on ad interim bail to the satisfaction of the arresting officer. However, the petitioners shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.PC."

Learned counsel for the petitioners submits that the petitioners, in pursuance to the order dated 17.02.2021, have already appeared before the SHO/Investigating Officer and have joined the investigation.

Learned State counsel, on instructions from SI Vijay Kumar, has not disputed the factual position and submits that the petitioners have joined the investigation and are no more required for any further investigation.

In view of the above, the petition is disposed of and the interim bail granted to the petitioners, vide order dated 17.02.2021, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

16.11.2021

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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No