

**207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-19704-2021
Decided on : 12.10.2021

Ashu @ Aman

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Priya, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Manjari Nehru Kaul, J.

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner, in case FIR No.71 dated 11.02.2021 under Sections 120-B, 148, 149, 307, 323, 354, 427, 436, 452 and 506 of IPC, Sections 24, 54, 59 of the Arms Act and Sections 3(1)(s), 3(1)(w), 3(2)(iii), 3(2)(iv), 3(2)(v) and 3(2)(va) of SC/ST (Prevention of Atrocities Act), 1989 (Section 120-B and 452 IPC and Section 3(2)(v) of SC and ST Act added later on) registered at Police Station Sector 32-33, District Karnal.

It is the case of the petitioner that he was not named in the FIR in question and only role attributed to him was that he was carrying a danda at the time of alleged occurrence. Still further, it has been submitted that the petitioner was nominated as an accused on the basis of the disclosure statement allegedly made by co-accused before the police. Learned counsel has contended that the evidentiary value of such disclosure statement was admittedly of a weak nature. Still further, it was the case of the petitioner that the mischief of Sections 3(1)(s), 3(1)(w), 3(2)(iii), 3(2)(iv) and 3(2)(v)

of SC/ST (Prevention of Atrocities Act), 1989, would not be attracted in the instant case *qua* the petitioner as no casteist remark was attributed to him at the time of alleged occurrence.

Learned counsel for the petitioner submits that pursuant to order dated 19.05.2021, passed by this Court, the petitioner has joined investigation.

Learned State counsel on instructions from HC Shyam Sunder states that the petitioner has joined the investigation and is not required for custodial interrogation.

In view of the above, the petition is allowed and interim order dated 19.05.2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

12.10.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No