

CRM-M-22328-2021(O&M)
Date of Decision:03.11.2021

IndrajPetitioner
Vs.
State of HaryanaRespondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Invneet Singh Pabla, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

On 07.06.2021, the following order had been passed by this court(co-ordinate bench):-

“Indraj-petitioner is seeking anticipatory bail under Section 438 Cr.P.C in the case bearing FIR No. 163 dated 22.04.2021 under Sections 147/148/323/354/506 IPC and Section 3(1)(r) of the SC & ST Act, registered at Police Station Sadar Thanesar, District Kurukshetra.

Case has been registered on the basis of the statement of Sonucomplainant alleging that on 22.04.2021 at about 3:00 pm, the petitioner alongwith Subhash, Dharam, Jagdish, Indrej, Gulab and 10-12 other persons arrived at the spot and started quarreling with them. They also tore the clothes of their girls.

It has been contended by the learned counsel for the petitioner that even the petitioner himself belongs to Scheduled Castes, which is indicated from the certificate (Annexure P-2). Consequently, the penal provisions of SC & ST Act are not attracted qua the petitioner. Furthermore, a compromise has been effected between the parties as per the affidavit of the complainant-Sonu (Annexure P-1). Even the details of the other victims has not been specified in the FIR.

Notice of motion.

On asking of the Court, Ms. Aditi Girdhar, AAG, Haryana accepts notice on behalf of the respondent-State.

Adjourned to 24.08.2021.

Meanwhile, it is directed that in the event of arrest, the petitioner(s) be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he/they join the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

Today, learned State counsel submits, on instructions Shri. Bharat Bhushan, DSP, Ladwa, that the petitioner 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, this petition has actually 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 would be always at liberty to avail of his remedy as per law.

November 03, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO