208

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-22387-2021
Date of decision-02.08.2021

MUKENDER **...Petitioner**

Vs.

STATE OF HARYANA **...Respondent**

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rajinder Goyal, Advocate
for the petitioner.

Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Ishan Thakur, Advocate for
Mr. L.S. Sidhu, Advocate for the complainant.

***

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.151 dated 28.03.2021 under Section 25 Arms Act, under Sections 506 & 34 Indian Penal Code, 1860 & under Sections 3(1) (r) & 3(1) (s) Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station City, Kaithal District Kaithal. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 07.06.2021, whereby while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

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2021.08.02 17:18
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> *"The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No.151, dated 28.03.2021, registered under Section 25 of the Arms Act, Section 506, 34 IPC and Section 3(1) (r) & 3 (1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station City, District Kaithal.*
>
> *As per the case of the prosecution, the petitioner-Mukender and Ritu abused the first informant by referring to his caste and threatened to kill him by pointing a revolver.*
>
> *Learned counsel representing the petitioner draws the attention of the Court to FIR No. 10, dated 05.03.2021, registered by Ritu against Amit Phogat and others under Section 376-D, 328, 342, 506 IPC at Women Police Station, District Kurukshetra.*
>
> *Learned counsel for the petitioner contends that as a counter blast, the first informant who is the business partner of Amit Phogat has got registered the present FIR. He further submits that the caste related allegations were not made in the public domain and therefore, offence under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is not made out.*
>
> *Notice of motion.*
>
> *On the request of the Court, Mr. Ankur Mittal, Addl. AG, Haryana, accepts notice on behalf of the State of Haryana and prays for time to seek instructions.*
>
> *Mr. L.S.Sidhu, Advocate, enters appearance on behalf of the first informant.*
>
> *Adjourned to 02.08.2021.*
>
> *Keeping in view the aforesaid facts, it is considered appropriate that let the petitioner join investigation.*
>
> *In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C."*

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite

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bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by DSP Dalip Singh does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 07.06.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

02.08.2021
Vipin kumar

Whether speaking/reasoned : Yes No
Whether Reportable : Yes No

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