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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.26436 of 2021 (O&M)

Date of decision: 12.07.2021

Mewa Singh and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. D.S. Adlakha, Advocate
for the petitioners.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.119 dated 22.06.2021 registered under Sections 295, 504, 506 IPC and 3(1)(S) of the SC/ST Act at Police Station Radaur, District Yamuna Nagar.

Counsel for the petitioners has argued that as per the allegations in the FIR, registered at the instance of the complainant Karamjeet Singh, on 14.06.2014 he along with other persons was organizing a chabeel by offering drinking water on the eve of Guru Purab. Thereafter, the accused persons came there and started abusing them by the name of their caste. It is further stated in the FIR that the accused persons have hurt the religious sentiments as well as insulted them by the name of their caste. It is further submitted that as per the allegations in the FIR itself, after the occurrence, there was talk of compromise in the village and the FIR was registered after a gap of 09 days which gives ample time to the complainant to level the allegations against the persons he wanted.

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Counsel for the petitioners has further submitted that even from the petitioners' side, a complaint has been given to the police which is pending investigation and there is a civil litigation in the shape of permanent injunction pending before the Civil Court wherein the allegation is that the complainant's side want to encroach upon the abadi land for the purpose of raising some construction and an order of stay has been granted.

Notice of motion.

Mr. Deepak Grewal, DAG, Haryana who is present in the Court accepts notice on behalf of the respondent – State while Mr. Parminder Pal Singh, Advocate has appeared on behalf of the complainant.

Counsel for the State has argued that Section 295 IPC stands deleted during the course of investigation by the Deputy Superintendent of Police on 09.07.2021.

Counsel for the complainant has submitted that the complainant's side was abused in public by the name of their caste and therefore, the offence under Section 3(1)(S) of the SC/ST Act is made out.

After hearing the counsel for the parties, considering the fact that there is a delay of 09 days in registration of the FIR and it is own case of the complainant that in the intervening period, there were talks of compromise going on between the parties and also in view of the fact that civil suits are pending inter se parties with the allegations that the complainant's side is trying to encroach upon the abadi land, I deem it appropriate to grant the concession of anticipatory bail to the

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petitioners.

Accordingly, the present petition is allowed and the petitioners are directed to appear before the Investigating Officer within a period of 10 days to join investigation and they shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

- 1. They shall make themselves available for interrogation by a police officer as and when required;*
- 2. They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
- 3. They shall not leave India without previous permission of the Court.*

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

12.07.2021
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No