

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 215

CRM-M-27131-2021 (O&M)

Date of decision : 20.08.2021

Ajay Kumar Singh

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.V.P.Sangwan, Advocate, for the petitioner.

Mr.Zorawar Singh Chauhan, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.207 dated 10.06.2021 registered under Sections 120-B, 323, 34, 364, 452, 506 IPC and Sections 3(1)(g), 3(1)(n), 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) (for short, the Act) at Police Station Hisar Civil Lines, District Hisar.

Briefly stated, the case of the prosecution is that on 29.04.2021, at about 5 p.m., the petitioner, alongwith his father, his wife and three other persons entered the complainant's house and tried to kidnap him; such action by the petitioner and his accomplices was because of a money dispute between them and the complainant; when the complainant raised an alarm, the petitioner and his co-accused fled away and that on 10.06.2021, in the complainant's absence, not only did the petitioner again trespassed into the complainant's house but also threatened and abused him in the name of his caste.

Learned counsel for the petitioner contends that the complainant had defrauded the petitioner for an amount of Rs.10 lakhs which he had taken on the pretext of getting employment for the petitioner's son; since the complainant failed to fulfill his promise, he transferred Rs.1.5 lakhs in the

petitioner's account and also gave a cheque for Rs.8.5 lakhs; on presentation, the said cheque was dishonoured for which a complaint has been filed by the petitioner under Section 138 of the Negotiable Instruments Act, 1881 which is pending; in view of the above, the petitioner has been falsely implicated in this case by the complainant; the petitioner has no criminal antecedents; no case under Sections 3(1)(g), 3(1)(n), 3(1)(r), 3(1)(s) is also made out against the petitioner because even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the alleged abuse in the name of the complainant's caste is allegedly in the complainant's house and not in public and that the petitioner is ready and willing to join the investigation as and when called by the investigating agency.

Learned State counsel opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner is accused of serious offences including kidnapping and under Sections 3(1)(g), 3(1)(n), 3(1)(r), 3(1)(s) of the Act.

Whether the alleged abuse by the petitioner with regard to the complainant's caste in the complainant's house would constitute an offence under Sections 3(1)(g), 3(1)(n), 3(1)(r), 3(1)(s) of the Act would be debated during the course of the petitioner's trial. It shall also be debated as to whether in the light of the afore pleaded facts has the complainant embroiled the petitioner in a false case. Nonetheless, the petitioner has no criminal antecedents and as per the status report filed by the State, at an earlier point of time, he had voluntarily joined investigation.

Subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C., in the event of his arrest in FIR No.207 dated

10.06.2021 registered under Sections 120-B, 323, 34, 364, 452, 506 IPC and Sections 3(1)(g), 3(1)(n), 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) at Police Station Hisar Civil Lines, District Hisar, he shall be released on anticipatory bail to the satisfaction of the Arresting Officer.

The petition is allowed in the above terms.

20.08.2021
shamsher

Whether speaking/reasoned

Whether reportable

:

:

Yes / No

Yes / No

[DEEPAK SIBAL]
JUDGE