

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

222

CRM-M-29419-2021

DATE OF DECISION: 09.11.2021

NAVEEN

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Narender Kaajla, Advocate for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking anticipatory bail in FIR No.55 dated 18.03.2021, under Sections 323, 452, 506, 34 IPC and Section 3(2) (va) of the SC & ST Act, registered at Police Station City Dadri.

A coordinate Bench of this court, on 28.07.2021, had passed the following order:-

“The Court has been convened through video conferencing due to Covid-19 Pandemic.

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.55 dated 18.03.2021, registered for offences under Sections 323, 452, 506 and 34 of the Indian Penal Code, 1860 and 3(2) (va) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station City Dadri, District Charkhi Dadri (Annexure P-1).

Counsel for the petitioner contends that a false case of using abusive language has been foisted upon the petitioner as he is in Government service and is working as a Naik in the Indian Army. He submits that there is no specific utterance attributed to the petitioner and some of his co-accused, as is apparent from the bail orders dated 11.05.2021, and 13.05.2021 (Annexures P2 and P-3 respectively), also belong to the Scheduled Castes. He submits that in these circumstances, the bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is not attracted. Counsel submits that the petitioner is ready to join the investigation and co-operate with the Investigating Agency.

Notice of motion.

On asking of the Court, Mr. Kuldeep Tiwari, Additional Advocate General, Haryana accepts notice on behalf of respondent-State.

List on 03.11.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned State counsel, upon instructions from DSP Joginder, states that the petitioner has joined investigation and is not required for custodial interrogation.

In view of the above, especially when the petitioner having joined investigation, the order dated 28.07.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

09.11.2021

SwarnjitS

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