

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-26443-2020 (O&M)

Date of decision: 05.03.2021

Vinod Kumar @ Rajeev

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Manish Mehta, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Vinod Kumar @ Rajeev, an accused in FIR No.37 dated 21.05.2020, for offences under Sections 354-A, 354-D, 379-A, 506, 509, 34 IPC, Section 66-A of Information Technology Act, Section 25 of Arms Act and Section 3 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act'), registered with Police Station Women, Narnaul.

Briefly stated the facts of the case as per prosecution story are that, criminal machinery in this case was set into motion by complainant Aarti daughter of Lal Chand, resident of Village Nang Tihari, Tehsil Narnaul, who in the information given by her to the

police stated that accused Rajeev had been keeping an evil eye upon her and he would harass her while going and coming from college; Rajeev threatened her that if the complainant did not establish relations with him, then he would murder her brother; accused prepared her video and took her snaps under threat and intimidation; the mother of Rajeev accused was also involved in all those acts; mother of accused threatened the complainant that either she should perform marriage with her son Rajeev, otherwise, her brother and other family members would be shot dead; Rajeev showed pistol to the complainant due to which she became terrified; accused snatched her original certificates from the complainant and sent her photos and videos to her fiancée, as a result, the engagement got broken; Rajeev accused continued stalking the complainant and threatened her; he uploaded photographs and videos of complainant by making a fake ID on Facebook to blackmail the complainant.

After registration of the FIR, apprehending his arrest in this case, petitioner/accused had approached the Courts of Sessions at Narnaul by moving an application for grant of pre-arrest bail. His such application was assigned to Addl. Sessions Judge, Narnaul, who vide order dated 18.08.2020, dismissed the same, primarily for the reason that the complainant belongs to Scheduled Caste and since the petitioner/accused harassed a girl belonging to Scheduled Caste, therefore, prima facie a case under Section 3 of the Act is disclosed against the petitioner and recovery of mobile and pistol was to be

effected from him. Therefore, petitioner was not entitled to pre-arrest bail. Feeling aggrieved, the petitioner has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

At the very beginning, it may be stated that the petition is doomed for failure, since Section 18 of the Act clearly bars grant of anticipatory bail to a person committing an offence under the Act, as has been rightly observed by Id. Addl. Sessions Judge, Narnaul in order dated 18.08.2020, declining pre-arrest bail to the petitioner; the complainant belongs to Scheduled Caste and on account of petitioner harassing a Scheduled Caste girl, prima facie an offence under Section 3 of the Act is made out. It being so, Section 18 of the Act clearly bars grant of pre-arrest bail to the petitioner/accused and the petition is liable to be dismissed on that score. Furthermore, though the petitioner is said to have joined the investigation in view of direction given to him, vide order dated 07.09.2020 but as informed by the State counsel, he has not got any recovery effected, therefore, his custodial interrogation which is more elicitation oriented as has been held in judgment **State represented by the C.B.I. Versus Anil Sharma, 1997 (4) R.C.R.(Criminal) 268.** is necessary for complete and effective investigation and to effect the recovery of various incriminating articles and in case, it is denied to the investigating agency that shall

leave many gaps, loopholes and lacuna, adversely affecting the investigation, which is uncalled for.

The petition is found to be without any merit and is dismissed accordingly.

05.03.2021

(H.S. MADAAN)
JUDGE

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