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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.33487 of 2021 (O&M)
Decided on: 21.09.2021

Harpreet Singh @ Happy

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Ms. Kanupriya Grewal, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.100 dated 16.05.2021 registered under Sections 3(1)(r), 3(1)(s), 3(2) (va) of SC&ST Act and Sections 147, 148, 323, 325 read with Section 149 IPC (added later), at Police Station Pillukhera, District Jind.

The operative part of the order dated 18.08.2021, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...Learned counsel for the petitioner relies upon the order dated 14.07.2021 passed in CRM-M-26888-2021, vide which co-accused Akash Deep and one another co-accused have been granted the concession of interim anticipatory bail, by passing the following order: -

“...Learned counsel for the petitioners submits that the present FIR was registered on 16.05.2021 with regard to an incident, which has allegedly taken place on 26.04.2021, i.e. after a gap of about 22 days.

CASE HEARD THROUGH VIDEO CONFERENCING

Learned counsel further submits that prior to registration of the present FIR, an FIR No. 79 dated 25.04.2021, under Sections 297, 34 of the IPC was registered on a complaint given by Harvinder Kaur (Sarpanch of the village) against the complainant's side i.e. Ajmer Singh (father of the present complainant), Ram Mehar, Pappu and Raju with the allegations that they are doing the Tantrik (Occulist) activities in the cremation ground of the village and on the date of the incident, when the Sarpanch and other villagers reached at the spot, it was found that Ajmer Singh and his brother Ram Mehar were doing illegal activities in the cremation ground. It was also noticed by one Gurwinder Singh that aforesaid persons were slaughtering an animal and on the spot, one knife used in the same, pen, copy, liquor bottle and red cloth etc. were also found. Since these activities were hurting the religious sentiments of the inhabitants of the village, the Sarpanch got the aforesaid FIR registered and as a counter blast to the same, showing an incident of 26.04.2021, the present FIR has been registered after a delayed period.

Learned counsel further submits that as per allegations in the FIR, complainant Akshay, it is stated that when his father had gone to cremation ground, the accused persons attacked his father with an intention to kill and caused him injuries. Thereafter, they came to the house of the complainant and by abusing in the name of their caste, they threatened them to leave the village.

Learned counsel further submits that in fact the present FIR is nothing but a counter blast to the earlier FIR, registered against the complainant's side as the inhabitants of the village are opposing to occultist activities being performed by the father of the complainant in the cremation ground by sacrificing the animal and just to put pressure on the petitioners, the present FIR has been registered after a delay of about 22 days.

Notice of motion.

Mr. Deepak Kumar Grewal, DAG, Haryana and Mr. Sansar Kundu, Advocate, who are also appearing through video conferencing, accept notice on behalf of the respondent-State and complainant, respectively.

Learned counsel for the complainant submits that one more FIR stands registered on 11.07.2021 against the petitioners.

In reply, learned counsel for the petitioner submits

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that it was a dead sheep, which was being burried in the cremation ground and it was opposed by the villagers on the ground that the cremation ground is meant for human beings only and there is a separate place for burrying the dead animals and in fact the sheep was sacrificed at the cremation ground by said Ajmer Singh...”

Learned counsel for the petitioner submits that in the aforesaid case, the petitioners have already joined the investigation and vide order dated 17.08.2021, interim anticipatory bail granted to them has been confirmed.

Notice of motion for 21.09.2021....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 18.08.2021, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State, on instructions from ASI Devinder Singh, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 18.08.2021 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

21.09.2021
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Whether speaking/reasoned Yes/No

Whether reportable: Yes/No