

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 201

CRM-M-34436-2021

Date of decision : 17.11.2021

Vikash Ahlawat

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.T.S.Chhikara, Advocate, for the petitioner.

Mr.Rahul Mohan, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

The matter has been taken up through video conferencing.

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.224 dated 07.06.2021 registered under Sections 306 and 34 IPC (Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 added later on) at Police Station Butana, District Karnal.

On 24.08.2021 this Court passed the following order: -

“Learned counsel for the petitioner inter-alia contends that the petitioner has been falsely implicated in this case at the behest of the father of the deceased; the deceased owed money to the petitioner which was being legally sought to be recovered by the petitioner from him; legal proceedings launched by the petitioner to recover his dues from the deceased would not come under “abetment” as defined under Section 107 IPC; the petitioner does not have any criminal antecedents; no recovery of any kind is required to be made from the petitioner; in the facts of the present case the petitioner's custodial interrogation is not necessary; the allegations under the the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 were added as an afterthought as the initial FIR was lodged under Sections 306 and 34 IPC only and that the petitioner is also ready and willing to join investigation as and when called by the investigating agency.

Notice of motion.

Mr.Rahul Mohan, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent-State

For arguments, adjourned to 17.11.2021.

In the meanwhile 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.224, dated 07.06.2021, registered under Sections 306, 34 IPC and Section 3(2)(v) of the Scheduled Castes and Scheduled

Tribes (Prevention of Atrocities) Act, 1989 at Police Station Butana, District Karnal, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer. ”

Learned State counsel submits that in pursuance to the afore quoted order the petitioner has joined investigation; has cooperated with the investigating agency and that his custodial interrogation is not required by the State.

In view of the above and the statement made by learned State counsel that the petitioner's custodial interrogation is not required, the order of this Court dated 24.08.2021, granting ad interim anticipatory bail to the petitioner is made absolute.

17.11.2021
shamsher

[DEEPAK SIBAL]
JUDGE

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