

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

CRM-M-35643-2021

Date of Decision : November 11, 2021

Sanjeev Kumar

.. Petitioner

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Divyam Dhakla, Advocate, for
Mr. Vikram Singh Dhakla, Advocate, for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 233 dated 14.06.2021 registered under Sections 323, 34, 506 IPC and Section 3 of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC & ST Act'), at Police Station Kurukshetra University, Kurukshetra, Distirct Kurukshetra.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 31.08.2021. Order dated 31.08.2021 is as under:-

“Present is the second petition filed under Section 438 read with Section 482 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.233 dated 14.06.2021, registered under Sections 323, 34, 506 IPC and Section 3 of the Scheduled Caste & Schedules Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC & ST Act'),

at Police Station Kurukshetra University, Kurukshetra, District Kurukshetra.

Learned counsel for the petitioner argues that the only allegation alleged against the petitioner is that he has caused injuries to the complainant with 'lathi' and 'danda' and have abused him in the name of caste. Learned counsel for the petitioner further argues that the allegations in the FIR are totally false and frivolous and have been only made to implicate the petitioner in a false case. Learned counsel for the petitioner submits that no one has been named as a witness, who has heard the allegation regarding violation of SC & ST Act. Learned counsel for the petitioner further submits that injuries attributed to the petitioner are simple in nature and the petitioner is ready to join the investigation and cooperate, therefore, he may kindly be granted the benefit of anticipatory bail.

Notice of motion for 11.11.2021.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State. Learned State counsel submits that the allegations against the petitioner are specific and there is a bar for the grant of bail under SC & ST Act, but concedes that the injuries attributed to the petitioner are simple in nature.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The injuries which have been attributed to the petitioner are simple in nature and there is an enmity between the petitioner and the complainant, which is clear from the allegations mentioned in the FIR. Though, the allegation against the petitioner is that he has abused the complainant in the name of caste, but nothing has been brought to the notice of this Court by learned State counsel that somebody was present at the said spot and heard the said abuses. Even FIR is

silent about anyone hearing the alleged abuses.

Keeping in view the factual position stated hereinbefore, the purpose of investigation will be achieved in case the petitioner is directed to join the investigation and cooperate.

Hence, the petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”

Learned State counsel, who is present in the Court, on instructions from DSP Subhash and SI Hakam Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 31.08.2021 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.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 11, 2021

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No