

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-36766-2021

Date of Decision : 24.11.2021

Gaurav

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rohit Mittal, Advocate for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

Mr. Abhimanyu Singh, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral

Petitioner is seeking anticipatory bail in FIR No.112 dated 10.06.2021 registered under Sections 147, 149, 323 and 506 of the IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Rampura, District Riwari.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of the order passed by this Court on 07.09.2021. Order dated 07.09.2021 is as under:-

“Present Petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.112 dated 10.06.2021 registered under Sections 147, 149, 323, 506 of IPC and Section 3 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short' the SC&ST Act') at Police Station Rampura, District Rewari.

Learned counsel appearing on behalf of the

petitioner argues that in the present case FIR was got registered after a period of five days and at the time of filing of the FIR, there was no allegation qua the violation of the SC&ST Act. Learned counsel submits that the petitioner was granted interim bail by the trial Court initially but later on the said application seeking benefit of the anticipatory bail has been rejected on the ground that there was a threat given by the petitioner to the complainant. Learned counsel submits that the petitioner is ready to co-operate in the investigation after joining the same

Notice of motion.

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 the respondent-State.

Learned counsel for the State submits there is a complete bar for grant of anticipatory bail in case there is a violation of the SC&ST Act.

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

Keeping in view the facts narrated hereinabove, the petitioner was initially granted the benefit of interim bail by the trial Court. The allegations alleged against the accused under SC&ST Act were added by the complainant later on. As far as the allegation that there was a threat to the complainant, nothing has come on record qua the said threat as the said fact yet to be proved.

As the petitioner has undertaken before this Court that in case he is granted the benefit of anticipatory bail, he will maintain a good conduct and will not interfere in the investigation or the witnesses in any manner, he has made out a case for the grant of anticipatory bail.

Petitioner is directed to join and cooperate in 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 his/her satisfaction 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.

Adjourned to 16.11.2021

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel, on instructions from S.I Ran Singh, states that in terms of the order passed by this Court, reproduced before, the petitioner has joined investigation and he is not required for further interrogation, at this stage.

In view of the above, the order dated 07.09.2021 passed by this Court 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 co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 24, 2021

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No