

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

(Sr. No. 204)

CRM-M No. 36962 of 2021

Date of decision : 07.12.2021

Sandeep

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Vishal Garg Narwana, Advocate for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

Mr. Ishan Sharma, Advocate for the complainant.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No. 140 dated 27.07.2021 registered under Sections 148, 149, 323, 365 and 506 IPC (Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 added later on) at Police Station Behal, district Bhiwani.

On 08.09.2021, this Court had passed the following order : -

“Case taken up through Video Conferencing.

Learned senior counsel appearing for the petitioner inter-alia contends that the petitioner has been falsely implicated in this case due to enmity between the petitioner and the complainant; the petitioner has no criminal background; even if the case of the prosecution

is taken as the gospel truth, though vehemently denied, only a simple injury is attributed to the petitioner; the allegations of kidnapping and under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, the SC/ST Act) are absolutely vague and in any case not made out and that the petitioner is also ready and willing to join investigation as and when called by the investigating agency.

On the issue of maintainability of a petition under Section 438 Cr.P.C. for the grant of anticipatory bail where allegations have been made under Section 3(2)(v) of the SC/ST Act judgment of the Supreme Court in Rahna Jalal vs. State of Kerala and another, (2021) 1 Supreme Court Cases 733 is cited.

Notice of motion for 07.12.2021.

Mr.Rahul Mohan, Deputy Advocate General, Haryana accepts notice on behalf of respondent No.1-State.

Respondent No.2 be served dasti.

In the meanwhile the petitioner's arrest is stayed.”

Learned counsel for the complainant admits to the compromise between the petitioner and the complainant.

In the light of the above reasons given in the afore quoted order, especially the compromise between the parties, subject to the petitioner joining the 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. 140 dated 27.07.2021 registered under Sections 148, 149, 323, 365 and 506 IPC (Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)

Act, 1989 added later on) at Police Station Behal, district Bhiwani, he shall be released on anticipatory bail to the satisfaction of the Arresting Officer.

The petition is allowed in the above terms.

07.12.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No