

**201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

Decided on : 25.02.2021

CRM-M-32692-2020

Parveen & ors.

..... Petitioners

Versus

State of Haryana

..... Respondent

CRM-M-29375-2020

Deepak & anr.

..... Petitioners

versus

State of Haryana

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Aditya Sanghi, Advocate
for the petitioners.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Prithvi Raj Yadav, Advocate
for the complainant.

Manjari Nehru Kaul, J.

This order shall dispose off two criminal petitions bearing CRM-M-32692 and 29375 of 2020 as both of them have arisen out of the same FIR.

Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in case FIR No.198 dated 07.06.2020 registered under Sections 148, 149, 323, 325 and 506 IPC, 1860 and Section 3(1) (R) and Section 3(2) (Va) of SC/ST (Prevention of Atrocities) Act, 1989 at Police Station Kanina District Mahendergarh.

Learned counsel for the State on instructions from ASI Shiv

Prakash submits that in compliance of order dated 28.10.2020 passed by a Coordinate Bench of this Court, petitioners have joined the investigation and are no longer required for custodial interrogation.

However, learned counsel for the complainant has opposed the grant of anticipatory bail to the petitioners by inviting the attention of this Court to the contents of the FIR in question, wherein casteist remarks “Kameen Dedh Neech Jaati” were used by the accused against the complainant attracting the mischief of Sections 3(1) (R) and Section 3(2) (Va) of SC/ST (Prevention of Atrocities) Act, 1989.

Learned counsel for the petitioners, however, has reiterated that a fabricated and concocted version has been brought forth against the petitioners, which is evident from the fact that the FIR was registered after a questionable delay of two days from the date of alleged occurrence. It has also been submitted that it is in fact a case of version and cross-version wherein FIR No.199 dated 07.06.2020 under Sections 323, 34, 354, 506 IPC was registered against the complainant party. While inviting the attention of this Court to the MLR of the injured Jaswant Singh, which has been filed in Court through email, it has been submitted that it is at complete variance with the statement of the complainant made at the time of registration of FIR in question and further lends credence to an exaggerated and false case having been foisted upon the petitioners with an ulterior motive on account of a grudge which the complainant party was nursing due to village politics.

Heard.

The occurrence has allegedly taken place in the fields in the

presence of the parties concerned, who have arrayed each other in their respective FIRs as accused. Prima facie, the occurrence in question does not thus appear to have taken place within public view and in a public place.

In view of the above, the petition is allowed and interim order dated 28.10.2020 passed by a Coordinate Bench, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

25.02.2021
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(MANJARI NEHRU KAUL)
JUDGE

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