

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

(Sr. No. 203)

**CRM-M No.41743 of 2021
Date of decision : 14.12.2021**

Jitender @ Bindar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Balkar Singh, Advocate for the petitioner.

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

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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. 411 dated 20.09.2021 registered under Sections 148, 149, 323, 341, 506 IPC and Sections 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Jind Sadar, district Jind.

On 05.10.2021, this Court had passed the following order : -

“The matter has been taken up through video conferencing.

Learned counsel for the petitioner inter-alia contends that the petitioner has been falsely implicated at the behest of the complainant who is inimical towards him; the petitioner has no other criminal case against him; the incident allegedly took place on 19.09.2021 at 7.00 a.m. whereas the CCTV footage with the petitioner shows that from 6.00 a.m. to 8.00 a.m., on 19.09.2021, he was present at his house; there is an unexplained delay of over 24 hours in lodging of the FIR; even if the case of the prosecution is taken as the gospel truth, though

vehemently denied, only simple injuries are attributed to the petitioner; no case under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short – the Act) is even prima facie made out and that the petitioner is also ready and willing to join the investigation as and when called by the investigating agency.

Notice of motion.

Mr. Zorawar Singh Chauhan, DAG, Haryana, accepts notice on behalf of the respondent-State and prays for time to argue the matter.

Adjourned to 14.12.2021.

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.411, dated 20.09.2021, registered under Sections 148, 149, 323, 341, 506 IPC and Section 3(1)(s) and 3(2)(va) of the Act, at Police Station Jind Sadar, District Jind, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.”

Learned State counsel submits that in pursuance the afore-quoted order passed by this Court, the petitioner has joined the investigation and after considering the entire matter the State is of the opinion that no case against the petitioner is made out and accordingly, a cancellation report has been prepared and sent for approval of senior police officer.

In the light of the above, the interim order of this Court dated 05.10.2021, granting ad interim anticipatory bail to the petitioner is made absolute.

14.12.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No