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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.44441 of 2020
Date of Decision: 05.03.2021

MAHABIR

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Manoj Tanwar, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of anticipatory bail in case bearing FIR No.297 dated 17.08.2020 registered under Sections 294, 506, 34 IPC & Section 3 (2)(Va), SC & ST Act, 1989, at Police Station Kanina, District Mohindergarh.

Notice of motion was issued on 01.01.2021 by passing the following order:-

“Counsel for the petitioner, inter alia, contends that on an earlier occasion, FIR No.15 dated 08.01.2020 was registered against the petitioner by Ramotar, the complainant. Thereafter,

*FIR No.222 was lodged by Sunita against the complainant as he had misbehaved with her on 15.02.2020. It was further mentioned in the FIR that the petitioner was sitting at the Police Station when she had come to lodge the said FIR since he is residing in her house and had helped her. It is, thus, submitted that for the same incident, the complainant has now involved the petitioner along with Sunita and her sons and the FIR has been lodged after a period of 6 months. It is further submitted that the petitioner being a police official would be suspended on account of his arrest, causing irreparable loss to him. Reliance has been placed upon the judgment of the Apex Court in **Prathvi Raj Chauhan Vs. UOI & others 2020 (2) SCC (Crl.) 657**, to submit that the power could be exercised under Section 438 Cr.P.C. where the complainant fails to make out a case under the provisions of the SC & ST Act, 1989.*

Notice of motion for 05.03.2021.

Mr.Swaroop accepts notice on behalf of the respondent.

In the meantime, petitioner shall join

investigation and in the event of arrest of the petitioner, he shall be released on ad-interim bail subject to the satisfaction of the investigation officer. The petitioner shall join investigation as and when required and shall comply with the conditions laid down in Section 438(2) Cr.P.C.”

January 01, 2021
sailesh

(G.S. SANDHAWALIA)
JUDGE

Learned State counsel on instructions from DSP Rajiv Kumar HPS, submits that the petitioner has joined the investigation on 12.02.2021 and is not required for further investigation in the case.

In view of the submission made by learned State counsel, order dated 01.01.2021 is made absolute. However, petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

March 05, 2021
Sangeeta

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No