

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CRM No. M-330 of 2022

Date of Decision : 02.03.2022

Tajudeen

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Jitender Dhanda, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 264 dated 19.10.2021 registered under Section 506 of the IPC; Section 67 of the Information Technology Act, 2000 & Section 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short, '1989 Act') at Police Station Bass, Hansi District Hisar.

Learned counsel for the petitioner contends that in terms of order dated 07.02.2022 passed by this Court, the petitioner has joined the investigation. Order dated 07.02.2022 is as under:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.264 dated 19.10.2021 registered under Section 506 of the IPC; Section 67 of the Information Technology Act, 2000 & Section 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,

1989 (in short, '1989 Act') at Police Station Bass, Hansi District Hisar.

Learned counsel for the petitioner argues that the registration of the present FIR is only a retaliatory action of the complainant as the petitioner had got registered an FIR No.629 dated 09.10.2021 under Sections 380 and 454 of the IPC at Police Station Narnaund against the brother of the complainant. Learned counsel for the petitioner submits that the allegations being alleged against the petitioner by the complainant with regard to the violation of provisions of 1989 Act are totally false and frivolous. Learned counsel for the petitioner further submits that as nothing is to be recovered from the petitioner and the petitioner is ready to join and cooperate in investigation, he may kindly be granted the benefit of anticipatory bail.

Notice of motion for 02.03.2022.

Mr. Gaurav Bansal, AAG, 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 of Haryana.

Learned State counsel submits that an audio clip was submitted by the complainant alleging threat given to him by the petitioner. Learned State counsel though, concedes that nothing is to be recovered from the petitioner except the mobile phone, from which the alleged threat was given by the petitioner to the complainant but, submits that as the allegations have been alleged against the petitioner for violation of provisions of 1989 Act, he may not be granted the benefit of anticipatory bail.

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

Keeping in view the facts and circumstances that the parties were already engaged in a litigation and an FIR was registered by the petitioner against the brother of the

complainant and the allegations alleged against the petitioner for violation of provisions of 1989 Act are yet to be proved and as nothing has come on record so far, as to how, the provisions of 1989 Act have been violated by the petitioner, the purpose of investigation will be achieved in case the petitioner is directed to join and cooperate in investigation.

The petitioner is directed to join 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 the satisfaction of the Arresting Officer/Investigating Officer 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 them 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.”

Learned State counsel, who has joined the proceedings through video conference, on instructions from DSP Raj Singh states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

In view of the above, the order dated 07.02.2022 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.

March 02, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	✓ Yes/No
Whether reportable?	✓ Yes/No