

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(285)

CRM-M-4847-2022

Date of decision:- 13.07.2022

Dharambir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sanchit Punia, Advocate for the petitioner.

Mr. Deepak Kumar, DAG, Haryana for State-respondent.

...

SUVIR SEHGAL, J. (Oral)

On 02.04.2022, this Court passed the following order:-

“Instant petition has been filed by the petitioner under Section 438 of Cr.P.C. seeking pre-arrest bail in case FIR No.1156 dated 21.12.2021, registered at Police Station Hisar Sadar, District Hisar, under Sections 354 A-(1), 354-B, 354-D and 506 of IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act').

Counsel for the petitioner contends that false allegation has been levelled against the petitioner in the FIR, which is politically motivated as the petitioner is the former Sarpanch of the village. He urges that the incident is alleged to have taken place at 9:00 am on 20.12.2021 when the complainant was on an auto-rickshaw and she came straight to the Police Station, which was at a distance of 15 to 17 kms from the place of occurrence, but the FIR was registered at 07:45 pm. He submits that there is no explanation for the delay in the lodging of the complaint. Still further, counsel submits that there is a variation in the statement recorded by the prosecutrix under Section 164 Cr.P.C., Annexure R-1. Counsel argues that neither the petitioner had any knowledge that the complainant belongs to the scheduled caste nor it has been alleged that he used any derogatory word attracting

*offence under the SC/ST Act. Reliance has been placed upon the judgment of the Hon'ble Supreme Court in **Prathvi Raj Chauhan Vs. Union of India and others**, (2020) AIR (SC)1036 to contend that bar under Sections 18 and 18A of the SC/ST Act would not apply.*

List on 13.07.2022.

Meanwhile, the petitioner shall join the investigation and would appear as and when called by the Investigating Officer and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Upon instructions received from HC, Davinder, State counsel submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation.

In view of the above, present petition is allowed.

Order dated 02.04.2022 granting interim bail to the petitioner, is made absolute, subject to conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

13.07.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No