

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6904-2022

Date of decision : 07.04.2021

Kuldeep @ Kuldeep Sharma

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Shakti Mehta, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.28 dated 29.01.2022 under Sections 323, 34 and 506 Indian Penal Code, 1860 [(Section 3(1) (S) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 added later on] registered at Police Station City Badhra, District Charkhi Dadri, Haryana who apprehends his arrest at the hands of Police.

On 21.02.2022, this Court had passed the following order:-

“Taken up through video conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.28 dated 29.01.2022 under Sections 323, 34 and 506 of Indian Penal Code, 1860 and Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short ‘SC&ST Act’) (added later on) registered at Police Station Badhra, District Charkhi Dadri.

*Learned counsel for the petitioner would contend that on a bare reading of the FIR no allegation is made out under the SC&ST Act. In support of his contention, he has relied upon the judgment of Hon’ble Supreme Court in **Prathvi Raj Chauhan vs. Union of India & Ors. f(2020) 4 SCC 727J** to contend that an accused would be entitled to anticipatory bail*

in case no prima facie case is made out under the said Act. Learned counsel for the petitioner would further contend that in this case simple injuries have been attributed to the present petitioner.

Notice of motion.

On the asking of the Court, Mr. Viney Phogat, DAG Haryana accepts notice on behalf of the respondent-State. He on instructions from DSP Des Raj has stated that the petitioner is the main accused in this case. However, he is not in a position to deny the fact that injuries received by the complainant are simple in nature.

List on 07.04.2022.

Meanwhile,the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Investigating/Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

Learned counsel for the petitioner has stated that in compliance of the above order, the petitioner associated himself in the investigation and cooperated during interrogation.

Learned State counsel who is instructed by DSP Deshraj states that indeed the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 21.02.2022 is made absolute.

(MANOJ BAJAJ)
JUDGE

07.04.2021
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No