

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

CRM-M-8747-2022
Date of Decision:-**16.12.2022**

RAM KUMAR ... Petitioner(s)

Versus

STATE OF HARYANA ... Respondent(s)

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

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

Mr. Naveen Kumar Sheoran, DAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail in case having FIR No.674 dated 26.10.2021 registered under Sections 294, 506 IPC and Section 3 of Schedule Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989 at Police Station Azad Nagar, District Hisar.

As per the allegations recorded in the FIR, on 25.10.2021, petitioner Ram Kumar armed with wooden stick while standing in front of Baba Ram Dev Hanuman Temple started abusing and hit the main gate of said temple with wooden stick and also gave threats and at the same time, he used abusive language against Scheduled Caste community in general.

Vide order dated 10.3.2022, the petitioner was directed to join investigation with the police with further direction that he is not be arrested without issuance of prior notice under Section 41-A Cr.P.C. by the police.

Counsel for the petitioner submits that the petitioner has joined investigation with the police by virtue of order dated 10.3.2022 passed by this Court and also handed over the wooden stick with which he was stated to be armed at the time of alleged occurrence.

State counsel on instructions from ASI Jaibir Singh apprised the Court that the petitioner has joined the investigation and recovery of wooden stick has been effected and now the petitioner is not required by the police for further investigation or for custodial interrogation.

It is a debateable point as to whether any offence under Section 3 of Schedule Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989 is made out simply on the basis of the allegations that while standing in front of a temple, the petitioner started hurling abuses in the name of Scheduled Caste community and the said abuses were not meant against any particular person including the complainant.

In view of the above, without commenting on the merits of the case, the present petition is hereby allowed and order dated 10.3.2022 is hereby made absolute. The petitioner should abide by the conditions envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

16.12.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No