

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

210

CRM-M-13405-2022

Date of Decision: 04.08.2022

Yusuf ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sanpreet Sandhu, Advocate, for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No. 36 dated 31.1.2022 registered under Sections 506, 34 IPC and under Section 3 (1) (R), 3 (1)(S), 3 (1)(V) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act at Police Station Buria, District Yamuna Nagar.

2. On 04.04.2022, this Court passed the following order:

“This is a petition for grant of anticipatory bail in FIR No. 36 dated 31.1.2022 registered under Sections 506, 34 IPC and under Section 3 (1) (R), 3 (1)(S), 3 (1)(V) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act at Police Station Buria, District Yamuna Nagar.

FIR was lodged on the complaint of one Ram Chander, Sarpanch of Gram Panchayat Amadalpur. Complainant claimed that he is a member of Scheduled Caste. He had got constructed a safety water tank in the village. However, petitioner and his co accused submitted a false complaint against complainant before the

Lokayukt. On 26.1.2022, the construction site was inspected by officers who found no irregularity and left. Thereafter, accused in the presence of villagers hurled caste based abuses at Sarpanch and they also manhandled him.

Learned counsel for petitioner has stated that no offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is attracted as complainant had not named any person in whose presence, caste based abuses were hurled on the complainant.

Mr. Girdhar, learned State counsel on instructions from Subhash Chander, HPS, Yamuna Nagar-1 states that during inquiry, it has come out that abuses were not hurled in the presence of third persons.

Adjourned to 11.7.2022.

In the meanwhile, in the event of arrest of petitioner, he shall be released on interim anticipatory bail to the satisfaction of Arresting Officer/Investigating Officer. He will join investigation as and when called for and cooperate in same. He will abide by conditions of Section 438 (2) Cr.P.C.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation. Learned State counsel has also informed that FIR No.152 dated 20.12.2017 under Sections 188/189/353/504 IPC registered at Police Station Buria is pending against the petitioner in respect of which learned counsel for the petitioner clarified that a petition for quashing of the same is pending before this Court.
4. Having regard to the aforestated position and while also noticing that an offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is alleged to have been committed against the

complainant and while also bearing in mind that the petitioner has since joined investigation and is not required for any custodial interrogation, the instant petition is disposed of with a direction to the petitioner to surrender before the trial Court within one week from today. In case, the petitioner does so and moves an application for grant of regular bail in forenoon of the day, the trial Court shall endeavour to dispose of the same on the same very day while duly bearing in mind that the petitioner has already joined investigation and is not required for any custodial interrogation.

04.08.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**