

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(221)

CRM-M-15832-2022

Date of decision:- 14.09.2022

Bijender @ Neetu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Pradeep Chhoker, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

...

SUVIR SEHGAL, J. (Oral)

On 27.04.2022, this Court passed the following order:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.576 dated 25.12.2021, registered for offences under Sections 323, 34, 354, 376, 377, 498-A and 506 of the Indian Penal Code, 1860 {Sections 34, 354, 376, 377 and 506, IPC were deleted and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “SC&ST Act”) and Section 406, IPC were added, later on}, at Police Station Industrial Sector 29, Panipat, District Panipat.

Counsel for the petitioner contends that FIR is outcome of a matrimonial dispute. He submits that the petitioner joined the investigation on 27.01.2022. However, after some offences were deleted and Section 3 of SC&ST Act as well as Section 406, IPC were added, his prayer for grant of anticipatory bail, was rejected by the learned Additional Sessions Judge, Panipat vide order dated 31.03.2022 (Annexure P-1) on the ground that the petition is not maintainable in view of bar in Section 18 of the SC&ST Act. Counsel urges that objectionable words are alleged to have been uttered by the petitioner within the four walls of the matrimonial home and there is no allegation of the incident having taken place at any place within public view. Reliance has

been placed by him on the judgment of the Supreme Court in Hitesh Verma Versus State of Uttarakhand and another 2020 (4) RCR (Criminal) 868. He submits that the petitioner is ready to rejoin the investigation and co-operate with the Investigating Agency.

Notice of motion.

On asking of the Court, Ms. Mahima Yashpal, Deputy Advocate General, Haryana accepts notice on behalf of the respondent-State.

List on 14.09.2022.

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

Status report by way of an affidavit of Deputy Superintendent of Police, Crime Against Women, Panipat has been filed on behalf of State-respondent, which is taken on record.

State counsel has invited the attention of the Court to para 2 (ix) of the status report and has submitted that the petitioner has cooperated with the investigation and he is no longer required for custodial interrogation.

In view of the above, but without commenting upon the allegations levelled in the FIR, present petition is allowed.

Order dated 27.04.2022 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

14.09.2022

Kamal

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