

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

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CRM-M-21607-2021

Date of Decision : **July 12, 2022**

DEVI RAM

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

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CRM-M-23843-2021

ASHOK

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Sansar Kundu, Advocate
for the petitioner in CRM-M-21607-2021.

Mr. Dharam Pal, Advocate for
Mr. Vivek Khatri, Advocate
for the petitioner in CRM-M-23843-2021.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

Both these petitions are being taken up together with the consent of learned counsels for the parties.

It has been submitted by the learned counsels for the petitioners that the petitioner in CRM-M-21607-2021 was granted interim bail on 2.6.2021 and the petitioner in CRM-M-23843-2021 was granted interim bail by this Court on 23.6.2021 and in pursuance of the same, the petitioners have already joined the investigation and they have

fully cooperated with the investigation process. Learned counsels have also submitted that so far as the petitioner-Devi Ram is concerned, he is 87 years of age and is suffering from various ailments including Bronchial Asthma (COPD) since 2019 and is undergoing treatment from Government Hospital, Hisar and so far as the petitioner-Ashok is concerned, he is the son of aforesaid Devi Ram and as per the allegations levelled by the complainant that first of all Devi Ram used caste related aspersions against the complainant and thereafter his son also joined who also used the same language. Learned counsels submitted that it was a case of counter blast because the petitioner-Devi Ram was earlier RTI activist and had filed an FIR against the police officials, namely, Mahabir and Karambir, who were posted at Police Station Sadar, Hansi, District Hisar and the complainant is a close friend of the aforesaid two police officials and on their behest as a counter blast, the present FIR was lodged which is vague and even otherwise also there was no injury caused to anybody. They further submitted that the bar contained under Sections 18 and 18-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 will not apply in the present case because the FIR itself on the face of it is false and frivolous FIR and is a result of a malafide intention on the part of the complainant in connivance with the aforesaid two police officials.

On the other hand, the learned State counsel has filed affidavit and has also stated that the petitioners have already joined the investigation and they have fully co-operated with the investigation process and are not required for custodial investigation.

I have heard the learned counsels for the parties.

In view of the specific stand taken by the learned State counsel that both the petitioners have joined the investigation and in view of the fact that the allegations levelled by the petitioners with regard to the malafide on the part of the two police officials alongwith the complainant, this Court is of the view that the bar contained under Sections 18 and 18-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 will not apply in the present case especially when both the petitioners have already joined the investigation and as per the learned State counsel they are not required for any custodial investigation.

In view of the aforesaid position, both the petitions are allowed and the orders dated 2.6.2021 and 23.6.2021 respectively are, hereby, made absolute.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petitions only.

July 12, 2022
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(JASGURPREET SINGH PURI)
JUDGE

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