

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(201-1)

CRM-M-25581-2022

Date of decision: - 17.08.2022

Rajesh Kumar

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Raman Chawla, Advocate,
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.679 dated 29.10.2021, under Sections 323, 506 and 34 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes Act (Prevention of Atrocities Act), 1989, registered at Police Station Azad Nagar, District Hisar.

On 02.06.2022, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case, all the injuries which have been allegedly suffered by the complainant party are simple in nature and offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “the SC/ST Act”) is not made out inasmuch as it has not even been mentioned that as to under which sub-Section of Section 3 of the SC/ST Act, the FIR has been registered. It is further submitted that a

*perusal of the FIR would show that incident has not taken place in a public place and there are no allegations that the petitioner(s) had knowledge that the complainant party belongs to any Scheduled Caste. Reliance has been placed upon judgment passed by the Hon'ble Supreme Court in **Prathvi Raj Chauhan Vs. Union of India and others**, reported as **2020 AIR (Supreme Court) 1036** to contend that in such a situation, bar under Section 18 of the SC/ST Act would not apply and the petitioner(s) would be entitled to anticipatory bail.*

Notice of motion for 17.08.2022.

In the meantime, in the event of arrest, the petitioner(s) shall be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner(s) shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

A photocopy of this order be placed on the file of other connected case.

(VIKAS BAHL)
JUDGE

02.06.2022"

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from DSP Ashok Kumar, has submitted that the petitioner has joined the investigation on 13.08.2022 and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 02.06.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 02.06.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

August 17, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No