

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-76-2024 (O&M)
DECIDED ON: 10.01.2024

HAMIT KUMAR SAINI

.....APPELLANT

VERSUS

STATE OF HARYANA ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gaurav Pathania, Advocate for
Mr. Shekhar Verma, Advocate
for the appellant.

SANDEEP MOUDGIL, J (ORAL)

CRM-809-2024

Application is allowed as prayed for.

Annexures A-1 to A-6 are taken on record with just exceptions and exemption from filing the certified copy of the same is granted.

CRA-S-76-2024

The instant appeal has been filed against the impugned order dated 31.12.2023 passed by the trial Court vide which anticipatory bail application under Section 438 Cr.P.C., has been dismissed in FIR No.289 dated 23.12.2023, registered under Section 506 of IPC read with Section 3 (1) (s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'Act of 1989', registered at Police Station Raipur Rani, District Panchkula.

The specific contention raised before this Court on the part of the appellant is that the complainant is sister-in-law (bhabhi) of the appellant and married to his younger brother, in fact the appellant himself belongs to the

Scheduled Class and the whole dispute revolves around mutual compromise dated 26.09.2022 (Annexure A-2) relating to a piece of land measuring 8-1/2 marlas.

Notice in the appeal.

On the asking of Court, Mr. Baljinder Singh Virk, Sr. DAG Haryana accepts notice on behalf of respondent-State. However, no one has appeared on behalf of respondent No.2.

Considering the fact that the appellant and respondent No.2 are close relatives in one family and are living separately, though both belong to the same class and, therefore, the question of invoking Section 3 (1) (s) Act of 1989 would not arise added with the fact that from the perusal of the FIR, it cannot be inferred that such assertion have been made in public view to attract Section 3 (1) (s) Act of 1989.

In the light of above, the appellant is directed to be released on anticipatory bail on furnishing personal surety/security bonds to the satisfaction of Arresting Officer/Investigating Officer. The appellant shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

The appeal stands disposed of in the aforesaid terms.

(SANDEEP MOUDGIL)
JUDGE

10.01.2024

Meenu

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