

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

CRA-S-436-2024

DECIDED ON: 02.02.2024

VINOD KUMAR

.....APPELLANT

VERSUS

STATE OF HARYANA AND ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vikas Bishnoi, Advocate for the appellant.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 438 Cr.P.C., has been invoked for the grant of anticipatory bail to the appellant in a complaint under Sections 323, 342, 506 of IPC and Section 3(i) (c) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. The contention of learned counsel for the appellant is that on earlier occasion also i.e., on 15.05.2015 an inquiry was got conducted on the complaint, which is annexed with the present appeal as Annexure P-5 and the said complaint was consigned to the record room being devoid of any merits. Subsequently, again another complaint was moved by one Parveen on 19.05.2015, who is a driver of Kuldeep, wherein inquiry was got conducted by the SHO Sadar, Hisar and on 25.05.2015, after recording the statements of one Hawa Singh, Sarpanch of village Meegni Khera and Munish, who were present in the police station in connection with the complaint given by Kuldeep Singh against Chandi Ram and it was stated by both of them that no such incident has ever happened on 15.05.2015. Copy of the statements recorded on 25.05.2015 are annexed with the present appeal as Annexures P-8 & P-9. The report was submitted on 02.06.2015 on the complaint filed by Parveen Kumar stating that nobody turned up for recording of the statements and due to absence of

complainant/respondent No.2, who did not turn to join the investigation on 25.05.2015, the complaint was ordered to be consigned to the record room. Thereafter, vide order dated 17.03.2021 passed by Additional Sessions Judge, Hisar, the appellant has been summoned. It is stated that the said summoning order was not in the knowledge of the appellant and it was came to his knowledge only, when bailable and non-bailable warrants have been issued against him. In the light of these facts and circumstances, now the present appeal has been preferred.

3. Notice of motion.
4. On the asking of Court, Mr. Baljinder Singh Virk, Sr. DAG Haryana accepts notice on behalf of respondent-State.
5. Considering the nature of allegations, it is abundantly clear that neither any recovery is to be effected from the appellant nor custodial interrogation of the appellant is required at this stage, inasmuch as the only assertion is qua the outbursts, which also seems to be absent as per the two inquiry reports dated 15.05.2015 and 02.06.2015 (Annexures P-5 & P-12 respectively) added with the fact that appellant is working in the police department for the last 14 years and there is no such complaint pending against him of any nature, the appellant is ordered to be released on bail subject to his surrender before the trial Court within a period of one week from today.
6. In case, the appellant moves an application for bail, the same shall be considered and decided in accordance with law by the Court below on the same day.
7. In view of the aforesaid terms, the present appeal stands disposed off.

(SANDEEP MOUDGIL)
JUDGE

02.02.2024

Sham

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No