

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

242

CRA-S-943-2024 (O&M)
Date of decision: 09.05.2024

NITIN KUMAR

....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. V.S. Verma, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, AAG Haryana.

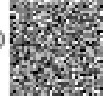
KULDEEP TIWARI. J.(Oral)

1. On 22.03.2024, the following order was passed:-

"Through the instant appeal challenge is thrown to the order dated 14.02.2024, whereby the application for grant of pre-arrest bail by the present appellant, in case FIR No.45, dated 19.01.2024, under Sections 147, 149, 323 and 506 of IPC (Section 3(2)(v)(a) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities)Amendment Act, 2015, later on), registered at Police Station Camp Palwal, District Palwal.

Learned counsel for the appellant submits that the only allegation against the appellant is that he caused blow with an iron rod, however, the same resulted in a simple injury. He further submits that the offence punishable under Section 323 of the IPC, is bailable.

He further submits that there are some disputed questions of facts, that, whether, the offence punishable under Section 3(2)(v)(a)



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of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, is made out from the allegations as levelled against the appellant or not.

In pursuance to notice of motion issued on the last date of hearing, Mr. Aman Kumar, Advocate, has caused appearance on behalf of the complainant/respondent no.2, through a memo of appearance, and undertakes to file a validly executed power of attorney in his favour in the Registry of this Court.

He opposed the grant of regular bail to the appellant on the ground that the recovery is required to be effected from the present appellant as he caused injury on the vital part of complainant/respondent no.2.

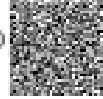
He further submits that the offence punishable under the provisions of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, is cognizable offence, and the relief of anticipatory bail cannot be granted to the appellant.

He further submits that the appellant is also involved in one more criminal case.

Be that as it may be, considering the fact that the injury which is attributed to the present petitioner, is simple in nature, and the appellant is ready and willing to join the investigation, the appellant is directed to join the investigation and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to 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.

Adjourned to 25.04.2024."

2. On the last date of hearing i.e. on 25.04.2024, learned State counsel on instructions imparted to him from Naresh Kumar, DSP, Headquarters, Palwal,



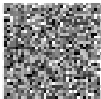
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submits that though the petitioner has joined the investigation in compliance to the order dated 22.03.2024, passed by this Court, but he has not fully co-operated with the Investigating Officer. Learned counsel for the petitioner requests for one more opportunity to re-join the investigation, and assures this Court that the petitioner would fully co-operate with the Investigating Officer. On the assurance given by learned counsel for the petitioner, one more opportunity was granted to the petitioner, and the matter was adjourned for 09.05.2024.

3. Today learned State counsel submits that though the petitioner has joined the investigation, but he is not fully co-operated with the Investigating Officer. Learned State counsel further submits that even the questionnaire was supplied to the petitioner, in which number of questions remained unanswered by the petitioner, therefore, he submits that he is still not co-operating with the Investigating Officer.

4. Per contra, learned counsel for the petitioner submits that the petitioner wants to join the investigation, but the Investigating Officer is playing at the hands of the complainant party, and has also refused to take the iron road into his possession. Learned counsel for the petitioner further submits that the petitioner has no knowledge about the other 20-25 persons, who according to prosecution were present at the time of occurrence, therefore, he cannot be forced to take name of those persons.

5. Be that as it may be, considering the fact that the injuries which was suffered by the complainant, at the hands of the person, named in the FIR as well as the other persons, are simple in nature, and also considering the fact that this Court cannot force the petitioner to disclose the name of other co-accused.



Therefore, this Court deems it fit and appropriate to confirm the order dated 22.03.2024.

6. **Disposed** of Accordingly.

09.05.2024
amandeep

(KULDEEP TIWARI)
JUDGE

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