

Cr.MP(M) No.1598/2020

11.09.2020 Present: Mr. Mukul Sood, Proxy Counsel for Mr. Hemant Kumar, Advocate, for the petitioner, through video conferencing.

Mr. Nand Lal Thakur, Addl. A.G. and Ms Divya Sood, Dy. A.G., for the respondent/ State, through video conferencing.

The petitioner, who is apprehending his imminent arrest on being arraigned as an accused in FIR No.214 of 2020 dated 4.9.2020, under Sections 341, 323, 34 of the Indian Penal Code and Section 3 of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989, after now called as "SCST Act", registered in the file of Police Station, Haroli, District Una, H.P., disclosing non-bailable offences, has come up under Section 439 of the Code of Criminal Procedure, offering to surrender before this Court and simultaneously seeking immediate interim bail.

I have heard counsel for the petitioner.

Issue Notice. Learned Additional Advocate General, waives service, and accepts notice on behalf of the respondent and opposes the bail. Let the State obtain a status report through e-mail/ WhatsApp or any mode. The Investigator needs not to remain present in Court. However, if the Investigator wants to show the case file to the Court, she may inform the office of learned Advocate General or mention it in the status report.

Before advertizing to the request of the

accused/petitioner to accept surrender before this Court, the following propositions of law need an answer:

Once any person, who has been arraigned as an accused under SCST Act, voluntarily appears before this Court offering to surrender, then can this Court refuse such surrender?

Given the propositions of law mentioned above, the petitioner shall not be arrested till further orders.

The petitioner shall join and cooperate in the investigation. Failure to do so shall be a factor while deciding this bail petition. Needless to say, the petitioner shall be in deemed custody for the purpose of Section 27 of Indian Evidence Act.

In view of the COVID-19 Pandemic, there is no need to apply for the certified copy of this order. The learned Counsel for the petitioner can download the same from the High Court website and attest the same to be a true copy, and it shall suffice for all purposes connected with this order.

List on **14.9.2020.**

(Anoop Chitkara)
Judge

September 11, 2020 *(KS)*