

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

**CRA-S-9-2022 (O&M)
Date of Decision: 13.05.2022**

ANUP		... PETITIONER
	V/S	
STATE OF HARYANA		... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Fateh Saini, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

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VIVEK PURI, J. (ORAL)

The appellant has assailed the order dated 30.12.2021 passed by the Court of learned Addl. Sessions Judge, Kurukshetra vide which the application under Section 438 Cr.P.C. for grant of anticipatory bail was dismissed in the case bearing FIR No. 434 dated 14.9.2021 under Sections 148, 149, 323, 354, 452, 308, 506 and 120-B of IPC, 1860 and Section 3(2) (va) of SC/ST Act, 1989, registered at Police Station Kurukshetra University, Kurukshetra.

On 02.02.2022, following order was passed:

“The appellant has preferred the present appeal against the order dated 30.12.2021 vide which anticipatory bail has been declined to him. At the earlier instance, the appellant had filed CRM-M-54824-2021 and the same was disposed of by the Co-ordinate Bench of this Court in terms of the order dated January 03, 2022. In the said proceedings, it was contended by the learned State counsel that only appeal lies against the order of dismissal of bail application as per Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 and bail application under Section 438 Cr.P.C. was not maintainable. Consequently, the appellant had withdrawn the said petition with liberty to file the appeal.

Subsequently, the present appeal has been preferred impugning the order dated 30.12.2021.

The appellant is seeking anticipatory bail in case bearing FIR No. 434 dated 14.9.2021 under Sections 148, 149, 323, 354, 452, 308, 506 and 120-B of IPC, 1860 and Section 3(2) (va) of SC/ST Act, 1989, registered at Police Station Kurukshetra University, Kurukshetra.

Briefly, the allegations as spelt out in the FIR are to the effect that on 13.09.2021 at about 8:30 P.M., there was a quarrel in the house of Keshav, co-accused. Hemant, the complainant intervened in the matter and returned back to his house. At about 9 P.M. Keshav, who was having old enmity with the complainant along with 8 of his friends arrived at the spot and they were armed with knives, iron rods, swords etc. The assailants uttered derogatory remarks against the caste of the complainant, tried to outrage modesty of the daughter of the complainant, Billa inflicted gandasi blow on the head and Keshav inflicted knife blow on the arm of the complainant. Learned counsel for the appellant contends that the appellant has not been named in the FIR and has been nominated on the basis of the disclosure statement of co-accused, namely, Keshav. Furthermore, the appellant was not aware about the caste of the complainant and has been falsely implicated in the instant case.

Adjourned to 01.04.2022.

Meanwhile, the appellant shall join the investigation and would come present as and when called for and in the event of arrest, the appellant shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The appellant shall also abide by the conditions as specified under Section 438(2) Cr.P.C. ”

Learned counsel for the appellant states that the appellant has joined the investigation in pursuance of the interim directions issued by this Court.

Learned State counsel, on instructions of ASI Raj Kumar, has not disputed the aforesaid factual aspect of the case and further stated that the custodial interrogation of the appellant is not required.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the appellant. The order dated 02.02.2022 is made absolute.

The appeal is accordingly disposed of.

13.05.2022

Janki

(VIVEK PURI)
JUDGE

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