

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRA-S-1251-2022
Decided on : 14.12.2022

Vikash

. . . Appellant

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Sukhcharan Singh Gill, Advocate
for the appellant.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. S. K. Verma, Advocate
for the complainant.

VIKAS BAHL, J. (Oral)

The present appeal has been filed under Section 14-A of the SC/ST (Prevention of Atrocities) Act, 1989 against the impugned order/judgment dated 23.05.2022 whereby the appellant has been denied the concession of anticipatory bail.

On 18.07.2022, this Court was pleased to pass the following order:

*“Inter alia contends that the appellant has been implicated in the present case only on account of being wife of Suresh Kumar and against the petitioner, neither there are any allegations that she has caused any injury to any person nor she had uttered any word regarding the accused. It is further submitted that even as per the FIR, it has not been mentioned that the petitioner was aware that the accused belonged to a Scheduled Caste. Reliance has been placed upon the latest judgment of Hon'ble Supreme Court in **Prathvi Raj Chauhan Vs. Union of India and others**, reported as **2020(4) SCC 727**, to contend that in such like situation, the bar under Sections 18*

*and 18-A of the SC/ST Act would not apply. Further reliance has been placed upon judgment of a Coordinate Bench of this Court in **Jai Parkash and others Vs. State of Haryana and another**, reported as **2011(3) RCR (Criminal) 217**, to state that in case, it is not specifically averred in the FIR that the petitioner had knowledge that the complainant belonged to a Scheduled Caste, then the offence would not be made out and the bar under Sections 18 and 18-A of the SC/ST Act would not operate. Reliance has also been placed upon the judgment of Coordinate Bench of this Court in **CRM-30576-M-2002** decided on 01.08.2002 titled as “**Jagir Chand vs. State of Punjab**” as well as in **CRM-M-3956-2020** decided on 27.02.2020 titled as “**Baljinder Kaur vs. State of Punjab**” to contend that if the ingredients of the provisions of the Act are not met with, then the bar under Section 18 cannot come in the way of the petitioner being granted the concession of anticipatory bail.*

Notice of motion for 29.08.2022.

In the meantime, in the event of arrest, the appellant shall be released on interim bail subject to her furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall 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. ”

Learned counsel for the appellant has submitted that in pursuance of the abovesaid order dated 18.07.2022, the appellant has joined the investigation.

Learned counsel for the State has submitted that the appellant has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 18.07.2022 and also the fact that the appellant has joined the

investigation and is not required for further custodial interrogation, the present appeal is allowed and the interim order dated 18.07.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

14.12.2022
Mehak

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