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

CRA-S-1737-2022 (O&M)

Date of decision : 29.10.2022

Manju Bala

...Appellant

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Maninder Singh Saini, Advocate for the appellant.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present appeal is for grant of anticipatory bail to the appellant in FIR No.107 dated 21.06.2022 registered under Sections 447/506 of the Indian Penal Code, 1860 and Section 3(I)(g) of SC & ST (Prevention of Atrocities Act), 1989 (Amendment 2015), at Police Station City Phagwara, District Kapurthala.

On 14.09.2022, this Court had passed the following order:-

“Inter alia contends that in the present case even as per the FIR it has not been specifically stated that the petitioner had the knowledge that the complainant was either member of scheduled caste or scheduled tribe and has relied upon the judgment of the 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 prima facie 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 the Hon'ble Supreme Court in **Prathvi Raj Chauhan vs. Union of India and others**, reported as 2020(4) SCC 727.

Notice of motion for 13.10.2022.

In the meantime, in the event of arrest, the petitioner is ordered to 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 14.09.2022, the appellant has joined the investigation.

Learned counsel for the State, on instructions from ASI Ashok Kumar, 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 14.09.2022 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 14.09.2022 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 appeal.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

29.10.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**