

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201-1

CRA-S-1921-2022 (O&M)

Decided on : 14.12.2022

Renu

. . . Appellant

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Sushil Sheoran, 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 against the impugned order dated 21.09.2022 whereby the anticipatory bail of the appellant was dismissed in FIR No. 110 dated 04.05.2022 under Sections 323, 341, 427, 506 and 34 of the Indian Penal Code, 1860 and Sections 3(1)(S) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Badhra, District Charkhi Dadri.

On 29.09.2022, 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 the daughter of Suresh Kumar and neither there is any inquiry attribute to the appellant, nor there is any attribution of any derogatory words uttered to the appellant. 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 14.12.2022.

To be heard along with CRA-S-1251-2022.

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 29.09.2022, the appellant has joined the investigation and challan has been presented and even the charges have been framed.

Learned counsel for the State is not in a position to deny the said fact.

Keeping in view the abovesaid facts and circumstances

moreso, the facts which have been noticed in abovesaid order dated 29.09.2022 and also the fact that the appellant has joined the investigation, the present appeal is allowed and the interim order dated 29.09.2022 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 bail application.

Pending miscellaneous applications, if any, stand disposed of with the abovesaid order.

(VIKAS BAHL)
JUDGE

14.12.2022
Mehak

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