

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

CRA-S-157-2023

Date of decision : 23.03.2023

Sanjay Kumar @ Sanjay Rana and another

...Appellants

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Aman Godara, Advocate for
Mr. S.S.Dinarpur, Advocate for the appellants.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

Appellants have filed this appeal to challenge the order dated 21.12.2022 passed by learned Additional Sessions Judge, Kurukshetra in case FIR No.260 dated 04.05.2021 under Sections 506 Indian Penal Code, 1860 and Sections 3 (1) under Sections 3 (1) (r) and 3 (1) (s), 3 (1) (w) (ii) and 3 (2) (va) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short SC/ST Act) and Section 12 The Protection of children from Sexual Offences, 2012, whereby their application seeking pre arrest bail under Section 438 Cr.P.C was dismissed.

Learned counsel for the appellants has invited the attention of the Court to the order dated 17.01.2023, whereby while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel contends that at the initial stage when the petitioners were implicated in case FIR No.260 dated 04.05.2021 under Sections 3 (1) (r) and 3 (1) (s) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short SC/ST Act), they were extended the concession of

pre-arrest bail by this Court vide order dated 22.11.2021. Learned counsel further submits that the petitioners joined the investigation and as per the final report, they were found innocent and were placed in Column No.II. He submits that subsequently, after commencement of trial, Special Court has passed the summoning order against the petitioners under Section 319 Cr.P.C with the addition of offence punishable under Section 3 (2) (va) SC/ST Act, which has again given rise to the apprehension of detention.

Notice of motion for 02.03.2023.

Let the petitioners appear before the Special Court, Kurukshetra on the date fixed i.e.19.01.2023 and upon their appearance, they shall be admitted to interim regular bail subject to their furnishing requisite bail bonds and surety bonds.”

Learned counsel for the appellants states that in deference to the above order, the petitioner appeared before the Trial Court, who has been admitted on regular bail vide order dated 19.01.2023. A copy of the order dated 19.01.2023 has been produced.

The above position is not disputed by the learned State counsel.

Considering the above, the appeal is allowed and it is ordered that the appellants shall remain on regular bail on same bail bonds/surety bonds furnished by them before the trial Court on 19.01.2023.

(MANOJ BAJAJ)
JUDGE

23.03.2023

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No