

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S No.222 of 2023
Date of decision: 17th April, 2023

Deepak Kumar

... Appellant

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vikram Lakhlan, Advocate for the appellant.
Mr. Rahul Mohan, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The appellant is seeking concession of anticipatory bail in case bearing FIR No.141 dated 14.07.2022 under Sections 147, 149, 323, 506 IPC (Section 427 IPC & Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 added later on) registered at Police Station Jui Kalan Bhiwani, District Bhiwani.

Vide order dated 23.01.2023, the appellant had been granted concession of interim bail in the following terms:-

“Learned counsel inter alia contends that a perusal of the allegations levelled in the FIR in question, which has been annexed as Annexure A-1, do not attract mischief of any offence under Section 3(2)(va) of the SCST Act. He further submits that it cannot be believed that as many as 35 persons would have attacked the complainant and his

daughter-in-law with stones etc. and yet the complainant would have sustained a single injury on his ankle. Learned counsel also submits that the occurrence in question was not even in a public place but was inside the house of the complainant herself.”

Learned counsel for the appellant submits that in compliance of the order dated 23.01.2023, the appellant has joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions, does not dispute the factum of the appellant having joined investigation and cooperated with the investigating agency. He on further instructions submits that the appellant is not required for further investigation much less for his custodial interrogation.

In the circumstances, the appeal is allowed and the interim order dated 23.01.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the appellant misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

April 17, 2023
rps

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