

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

230

2023:PHHC:096831
CRA-S-785-2023 O&M)
Date of decision: July 28th, 2023

Usha Rani

.....appellant

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Eliza Gupta and Mr. Karanvir Hooda, Advocates
for the appellant.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

Complainant in person.

MANJARI NEHRU KAUL, J. (ORAL)

The appellant, who is a 67 year old woman, is impugning the order dated 03.03.2023 passed by learned Judge Special Court, Ludhiana whereby her application for grant of anticipatory bail, in case FIR No.137 dated 18.11.2022 under Section 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the SC/ST Act) registered at Police Station Daresi, District Ludhiana, was dismissed.

Vide order dated 27.03.2023, the appellant had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“While inviting the attention of this Court to the allegations levelled in the FIR in question, learned counsel for the appellant inter alia contends that the alleged occurrence wherein the appellant allegedly uttered casteist remarks to the complainant took place

on 15.03.2021 and it was after a delay of one and a half years on 18.11.2022, the FIR in question came to be registered against her. She submits that in fact the complainant is a friend of the appellant's brother-in-law, with whom her husband has some property dispute, hence, it is in the above background just to exert pressure on her husband, that a false FIR had been registered against her.”

Learned counsel for the appellant submits that in compliance of order dated 27.03.2023, the appellant has joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions from ASI Sukhdev Singh, 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 her custodial interrogation.

In view of the above, the appeal is allowed and impugned order dated 03.03.2023 passed by learned Special Court, Ludhiana, is hereby set aside. Interim order dated 27.03.2023 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 her, the State would be at liberty to seek cancellation of the same.

July 28th, 2023

Puneet

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No