

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

237

CRA-S-1103-2023

Date of Decision :-20.07.2023

Jaldeep Singh @ Kajal

...Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shubhashish Kukreti, Advocate for the appellant.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Vikram Singh, Advocate for respondent No.2.

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Harsimran Singh Sethi, J. (Oral)

Present appeal has been filed for against the order dated 29.03.2023 passed by the Additional Sessions Judge, Panipat whereby, anticipatory bail application filed by the appellant under Section 438 of the Cr.P.C in respect of FIR No.655 dated 23.11.2022 registered under Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act at Police Station Israna, Panipat, has been dismissed.

Learned counsel for the petitioner submits that the petitioner has joined investigation in terms of order passed by the Coordinate Bench of this Court on 17.04.2023. Order dated 17.04.2023 is as under:-

“Present appeal has been filed by appellant-Jaldeep Singh @ Kajal under 14-A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act being aggrieved by order dated 29.3.2023 whereby the application moved by the appellant under Section 438 of Cr.P.C. for grant of anticipatory bail in criminal case having FIR No.655 dated 23.11.2022

registered under Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act at Police Station Israna, Panipat, has been dismissed.

Counsel for the appellant inter alia contends that prima facie no offence is made out against the petitioner under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and further, there are no specific allegations made in the FIR. He further submits that only allegations which are therein the FIR are that the complainant is having some dispute regarding his wages with M/s S.K. Powers Group. He further submits that the appellant is not named in the FIR and similarly situated co-accused Sonu has been given benefit of interim bail by Coordinate Bench of this Court vide order dated 5.4.2023 passed in CRA-S-980-2023.

Notice of motion.

Mr. Naveen Kumar Sheoran, DAG, Haryana accepts notice on behalf of the State and on instructions from DSP Sandeep Kumar has not refuted the fact that the appellant is not named in the FIR and his name surfaced later on during the investigation of the case. State counsel has also not controverted the fact that there are no specific allegations against the petitioner.

Now be listed on 15.5.2023.

In view of above, the appellant is hereby directed to join the investigation with the police and in case of arrest, he is to be released on interim bail by the investigating officer/arresting officer to his own satisfaction till the next date fixed in this case. The appellant is also to abide by the conditions envisaged under Section 438 (2) of Cr.P.C.”

Learned State counsel on instructions from HC, Narender Kumar states that in terms of the order passed by the Coordinate Bench of this Court reproduced hereinabove, the appellant has joined investigation and he is not required for further interrogation, at this stage.

In view of the above, the order dated 17.04.2023 granting interim bail to the appellant is made absolute.

However, the appellant shall abide by the conditions stipulated

under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that appellant is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The appeal stands allowed.

July 20, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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