

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

245

CRA-S-1127-2023 (O&M)
Date of Decision :-17.07.2023

Colonel Virendra Singh Shekhawat

...Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Surender Singh, AAG, Haryana.

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

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Harsimran Singh Sethi, J. (Oral)

Present appeal has been filed by appellant under Section 14A 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.

Learned counsel for the aeppallant submits that the appellant has joined investigation in terms of order passed by the Coordinate Bench of this Court on 19.04.2023. Order dated 19.04.2023 is as under:-

“Present appeal has been filed by appellant-Colonel Virendra Singh Shekhawat 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 and Jaldeep Singh @ Kajal have been given benefit of interim bail by Coordinate Bench of this Court vide order dated 5.4.2023 passed in CRA-S-980-2023 and order dated 17.04.2023 in CRA-S-1103-2023.

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 DSP, Krishan Kumar states that in terms of the order of the Coordinate Bench of this Court reproduced before, the appellant has joined investigation and he is not required for further interrogation, at this stage.

In view of the above, the order dated 19.04.2023 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 in above terms.

July 17, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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