

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

237

2023:PHHC:093398

CRA-S-1222-2023

Date of decision: July 24th, 2023

Vikas @ Kassa and others

.....Appellants

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ajay Kripal Singh, Advocate
for the appellants.

Mr. Rahul Mohan, Senior Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The appellants are challenging the order dated 18.04.2023 passed by the learned Additional Sessions Judge, Jind, in case FIR No.96 dated 07.04.2023 registered under Sections 147, 149, 323, 341, 506 of Indian Penal Code and Sections 3(2)(va) and 3(2)(vi) of SC/ST Act, vide which, their bail application filed under Section 438 Cr.P.C. has been dismissed.

Vide order dated 29.05.2023, appellant No.2 had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Learned counsel for the appellants submits that as far as appellant No.2-Sandeep @ Sundu is concerned, he has not been attributed any injury on the person of the complainant and still further, false allegations have been levelled against him of having indulged in abusive language and passing casteist remarks against the complainant. Learned counsel, while drawing the attention of this Court to the allegations levelled in the FIR (Annexure P-1), submits that even

otherwise, on a perusal of the allegations levelled therein, the alleged occurrence in question had taken place at about 11:00 PM on 31.03.2023, when the complainant after closing his shop was returning to his house. Learned counsel submits that even assuming for the sake of arguments, though, not conceded that the appellant No.2 had indulged in abusive language, the ingredients to attract the mischief of Sections 3(2) (va) and 3(2)(vi) of the SC/ST Act would not be attracted because as per the complainant's own version, the occurrence in question had taken place in the dead of the night and not in full public view."

Learned counsel for the appellants submits that in compliance of order dated 29.05.2023, appellant No.2 has joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions, does not dispute the factum of appellant No.2 having joined investigation and cooperated with the investigating agency. He on further instructions submits that appellant No.2 is not required for further investigation much less for his custodial interrogation.

In view of the above, the appeal qua appellant No.2 is allowed and interim order dated 29.05.2023 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.

July 24th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No