

CRA-S-1341-2023

2023:PHHC:086081

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

(242-3)

CRA-S-1341-2023

Date of Decision : July 10, 2023

Shashin Vishnu Bhai Patel

.. Petitioner

Versus

State of Haryana and another

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the appellant.

Mr. Surender Singh, AAG, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

Status report by way of an affidavit of Krishan Kumar, HPS, Deputy Superintendent of Police, Crime Against Women, Panipat on behalf of respondent No.1-State has been filed in the Court today and the same is taken on record.

Present appeal has been filed by the appellant-Shashin Vishnu Bhai Patel under Section 14-A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 being aggrieved by order dated 21.04.2023 whereby the application moved by the appellant under Section 438 of Cr.P.C for the grant of anticipatory bail in criminal case having FIR No.655 dated 23.11.2022 registered under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act at Police Station Israna, Panipat, has been dismissed.

The Coordinate Bench of this Court passed following order on ,
05.05.2023 :-

“ Present appeal has been filed by appellant-Shashin Vishnu Bhai Patel under 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.

The counsel for the appellant inter alia contends that prima facie no case is made out against the appellant under Schedule Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989 and further there are no specific allegations made in the FIR. He further submits that only allegations which are there in the FIR are that complainant is having some dispute regarding his wages with M/s S.K. Powers Group and that the appellant has nothing to do with the said company. The counsel for the appellant further submits that even the Court of Additional Sessions Judge, Panipat had granted interim bail to the appellant but said order was vacated by the said Court simply on the ground that petitioner failed to join the investigation. The counsel for the appellant submits that the appellant is resident of Ahmadabad and due to some unavoidable circumstances, he failed to do join investigation in compliance of order of interim bail passed by the Court below. The counsel for the appellant further submits that the petitioner is ready to join investigation with the police and other 4 of the co-accused have been granted interim protection by this Court.

Notice of motion.

On the asking of the Court, Mr. Naveen Kumar Sheoran, DAG, accepts notice on behalf of State of Haryana and on

instructions from DSP Sandeep Kumar has not refuted the fact that appellant has not been named in the FIR and his name surfaced later on during investigation. State counsel has not disputed the fact that no specific act has been attributed to the appellant and 4 co-accused have been granted interim protection by this Court.

So, in case of arrest, the appellant is directed to be released on interim bail by the Investigating Officer/Arresting Officer subject to his own satisfaction. The petitioner should join investigation with the police on 10.5.2023 well in time before the next date of hearing and to abide by the conditions envisaged under Section 438 (2) Cr.P.C.

The report of the Investigating Officer be also called in this context on the next date of hearing.

Investigating Officer namely DSP Sandeep Kumar is also directed to appear in person in this Court on the next date fixed.

Now be listed on 15.5.2023.”

Learned State counsel, on instructions from DSP Sandeep Kumar along with DSP Krishan Kumar, states that in terms of the order of the Coordinate Bench of this Court reproduced hereinbefore, the appellant has joined the investigation and no further interrogation of the appellant is required at this stage.

In view of the above, the order dated 05.05.2023 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 the appellant is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing

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appropriate orders.

The appeal stands allowed.

July 10, 2023

harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes