

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

CRA-S No.1317 of 2023

Date of decision: 19th September, 2023

Naresh & another

... Appellants

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Aman Pal, Advocate for the appellants.

Mr. Rahul Mohan, Sr. Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The appellants are impugning the order dated 24.05.2023 passed by the learned Additional Sessions Judge, Bhiwani whereby prayer of appellants seeking the concession of anticipatory bail in case FIR No.245 dated 20.04.2023 under Sections 294, 323, 34 IPC and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Tosham, District Bhiwani was declined.

2. On 03.05.2023, while noticing the following submissions made by learned counsel for the appellants, this Court had granted the concession of interim bail to the appellants and asked them to join investigation.

“While drawing the attention of this Court to the allegations levelled in the FIR in question, learned counsel for the appellants inter alia contends that the alleged remarks attributed to the appellants could not be said to be

in manner derogatory much less casteist, as the said term 'Dhed' in local parlance in the State of Haryana was used for a 'stupid person'. It has also been argued that the above said term which had been allegedly used by the appellants was not included in the list of SC/ST in the State of Haryana. In support, learned counsel for the appellants has placed reliance upon the decision passed by this Court in “Saroj Devi vs. State of Haryana”, CRA-S No.2410 of 2022, in support of his case.”

3. Learned counsel for the appellants submits that in compliance of the order dated 03.05.2023, the appellants have joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the appellants having joined investigation and cooperated with the investigating agency. He, on further instructions submits that the appellants are not required for further investigation much less for their custodial interrogation.

5. In the circumstances, the appeal is allowed and the interim order dated 03.05.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the appellants misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the bail granted to them.

(MANJARI NEHRU KAUL)
JUDGE

September 19, 2023
rps

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