

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

254

CRA-S-1510-2023

Date of decision: 18.10.2023

Ashwani Kumar

.....Appellant

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Pankaj Mehta, Advocate
for the appellant.

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The appellant is impugning order dated 24.04.2023 passed by learned Additional Sessions Judge, Hisar whereby his application for grant of anticipatory bail in case FIR No.105 dated 19.03.2023 under Section 3(1)(u) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 153 and 154 of the IPC registered at Police Station Agroha, District Hisar, was dismissed.

2. On 22.05.2023, while noticing the following submissions made by the learned counsel for the appellant, this Court had granted the concession of interim bail to the appellant and asked him to join investigation:-

“While drawing the attention of this Court to the allegations levelled in the FIR in question, learned counsel for the appellant submits that the appellant was not named therein and even as per the allegations levelled, the derogatory remarks had been attributed to co-accused Krishan @ Chidia. Learned counsel submits that the appellant had been nominated as an accused in the case in hand only on the ground that the video, wherein, the co-accused had indulged in certain derogatory remarks

against a particular community/caste, had been taken from the mobile phone of the appellant. He has further submitted that after the registration of the FIR in question, an affidavit (Annexure P-2) had also been given by the complainant, wherein, he had categorically deposed that he did not want any action to be initiated against the appellant.”

3. Learned counsel for the appellant submits that in compliance of order dated 22.05.2023, the appellant has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Mahender, does not dispute the factum of the appellant having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the appellant is not required for further investigation much less for his custodial interrogation.

5. In view of the above, the petition is allowed and interim order dated 22.05.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

18.10.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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