

**Neutral Citation No.2023:PHHC:163290**

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRA-S-1463 of 2023 (O&M)

Date of decision : 19.12.2023

...

Raj Kumar

.....Appellant

vs.

State of Haryana

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Sunny Tyagi, Advocate for the appellant.

Mr. Rahul Mohan, Senior Deputy Advocate General,  
Haryana

Mr. Rahul Jaswal, Advocate for the complainant.

...

**MANJARI NEHRU KAUL, J. (ORAL)**

The appellant is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No. 103 dated 19.4.2023 under Sections 323, 341, 325 and 506 of the Indian Penal Code, 1860 and Section 3 (2)(va) of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Safidon, District Jind.

2. Vide order dated 3.10.2023, the appellant had been granted interim anticipatory bail with direction to join investigation, relevant part of which reads as under:-

“Learned counsel for the appellant inter alia contends that the occurrence in question

allegedly took place on 17.04.2023, however, the FIR in question was registered after two days which clearly indicated that an exaggerated and false version had been brought forth therein. It has been further submitted that even mischief of offence under Sections 3(2) (va) & 3(1)(s) of the SC/ST Act would not be made out against the person because as per the allegations levelled in the FIR itself, the occurrence in question took place late in the night at about 09:30 P.M. and there was not even any mention qua the presence of any other person at the relevant time. Hence, casteist utterances if made by the petitioner, even assuming for the sake of arguments, though not conceded, was not within public view. He further submits the appellant is ready to join investigation and cooperate with the investigating agency ”

3. Learned counsel for the appellant submits that in compliance of order dated 3.10.2023, the appellant has joined the investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the appellant having joined the 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 3.10.2023, 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.

19.12.2023  
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( MANJARI NEHRU KAUL )  
JUDGE

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|-----------------------------|----------|
| Whether speaking / reasoned | Yes / No |
| Whether reportable          | Yes / No |