

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

253

CRA-S-1457-2023

Date of decision: 18.10.2023

Krishna and another

.....Appellants

Versus

The State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sushil Bhardwaj, Advocate
for the appellants.

Mr. Rahul Mohan, Sr. DAG, Haryana.

Mr. Vineet Chaudhary, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The appellants are challenging the order dated 09.05.2023 passed by learned Additional Sessions Judge, Bhiwani vide which their application for grant of anticipatory bail in case FIR No.242 dated 22.04.2023 under Sections 323, 452, 506 and 34 of the IPC and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Sadar Bhiwani, District Bhiwani, was dismissed.

2. Appeal qua petitioner No.2-Sukhpal had been rendered infructuous and was dismissed as such vide order dated 29.05.2023.

3. On 29.05.2023, while noticing the following submissions made by the learned counsel for the appellants, this Court had granted the concession of interim bail to appellant No.1 and asked her to join investigation:-

“Learned counsel for the appellants, while drawing the attention of this Court to the allegations levelled in the FIR in question, which has been annexed as Annexure A-1, submits that a perusal of the same clearly reveals that the appellant No.1 has been attributed only a slap on the face of the complainant. He further submits that totally false allegations have been levelled that the appellant No.1 passed casteist remarks towards the complainant. He further submits that even assuming though not conceded that such like remarks have indeed been made. It was not within public view, as admittedly, the occurrence in question had taken place inside the house of the complainant.”

4. Thereafter, vide order dated 25.08.2023, appellant No.1 was again directed to join investigation.

5. Learned counsel for the appellants submits that in compliance of orders dated 29.05.2023/25.08.2023, appellant No.1 has joined investigation and cooperated with the investigating agency.

6. Learned State counsel, on instructions from ASI Ram Mehar, does not dispute the factum of appellant No.1 having joined investigation and having cooperated with the investigating agency. He, on further instructions, submits that appellant No.1 is not required for further investigation much less for her custodial interrogation.

7. In view of the above, the petition is allowed and interim orders dated 29.05.2023/25.08.2023, are 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