

CRA-S-1484-2023 (O&M) -1- 2023:PHHC:148293
IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

241

CRA-S-1484-2023 (O&M)
Date of Decision : 21.11.2023

Ram Kumar

..... Appellant

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ashit Malik, Advocate for the appellant.

Ms. Priyanka Sadar, AAG Haryana.

ALKA SARIN, J. (ORAL)

1. This is an appeal filed by the appellant for setting aside the impugned order dated 06.05.2023 passed by Additional Sessions Judge, Kurukshetra whereby the application under Section 438 of CrPC for grant of anticipatory bail filed by the appellant in case FIR No.193 dated 01.05.2023 under Sections 354-A, 452, 506 of the Indian Penal Code, 1860 and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Kurukshetra University, Kurukshetra, District Kurukshetra has been dismissed.

2. On 18.05.2023 the following order was passed :

“The present appeal has been filed for quashing of order dated 06.05.2023, passed by Ld. Addl. Sessions Judge, Special Court for Scheduled Castes and Scheduled Tribes (Prevention of Attrocities Act), Kurukshetra, whereby the anticipatory bail filed by the petitioner has been dismissed in FIR No.193 dated 01.05.2023, under Sections 354-A, 452, 506 of the Indian Penal Code, 1860 and under

Section 3 of the SC/ST Act, 1989, at Police Station Kurukshetra University, Kurukshetra, District Kurukshetra.

Learned counsel for the appellant submits that the ingredients of Section 3 of the SC/ST Act are not made out and the entire allegations leveled in the FIR are false and concocted. Even if going by the FIR, the appellant visited the house of the complainant to borrow a nut wrench and there was no occasion for making any castiest remarks. He further submits that, in fact, the complainant's family has to return back some money and it was only to avoid the same that the present FIR has been lodged. He further submits that the petitioner is 80 year old man and there was no occasion for him to misbehave with the married lady.

Notice of motion.

Mr. Brijesh Sharma, AAG, Haryana, accepts notice on behalf of respondent-State and vehemently opposes the bail on the ground that Section 18 of SC/ST Act bars the grant of bail to the appellant Per contra, learned counsel for the appellant submits that the allegations and the ingredients of Section 3 of the SC/ST Act are not made out, therefore, Section 18 of SC/ST Act could not be attracted.

In light of the above, the appellant is directed to join investigation on 30.05.2023 at 10:00 A.M. before the Investigating Officer and cooperate with the Investigating

Agency, even thereafter.

In the event of arrest, the appellant be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the appellant shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 05.09.2023.”

3. Learned counsel for the appellant would contend that pursuant to the said order, the appellant has joined investigation and has fully cooperated.

4. Learned counsel for the State on instructions from SI Ram Chander has stated that the appellant has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 18.05.2023, whereby interim anticipatory bail was granted to the appellant, is made absolute. The appellant shall, however, join investigation as and when called. The appellant shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

21.11.2023

Deepak Patwal

(ALKA SARIN)

JUDGE

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No