

1. **CRA-S-1113-2022**

...APPELLANT

STATE OF HARYANA AND ANOTHER

2. CRA-S-1114-2022

...APPELLANT

STATE OF HARYANA AND ANOTHER

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (ORAL)

2. Challenge in the present appeal(s) is to the order dated 06.06.2022 passed by the learned Additional Sessions Judge, Karnal vide which anticipatory bail application filed by the appellant(s), in case bearing FIR No.171 dated 14.04.2022, registered at Police Station Taraori, Karnal under Sections 148, 149, 323, 324, 452, 506 of Indian Penal Code later on added Section 326 of IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act was dismissed.

2. On 08.07.2022, following order was passed:

Application is allowed as prayed for.

Challenge in the present appeal is to the order dated 06.06.2022 passed by the learned Additional Sessions Judge, Karnal, vide which anticipatory bail application filed by the appellant, in case

bearing FIR No.171 dated 14.04.2022, registered at Police Station Taraori, Karnal, under Sections 148, 149, 323, 324, 452, 506 IPC, later on added Section 326 IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act, was dismissed.

Learned counsel for the appellant submits that the FIR was registered on the complaint of Sanjay Kumar alleging therein that the appellant along with co-accused entered in the his house and uttered casteist remarks against him; that the allegation of utterance of casteist remarks, which were not uttered in the public view, are against co-accused Bittu and not against the appellant; that even the injury on the person of Seema, which entails the offence under Section 326 IPC is also not attributed to the appellant; that there is no specific allegation against the appellant and that the petitioner is ready to join the investigation.

He further submits that the appellant was juvenile, as at the time of alleged occurrence, his date of birth was 12.02.2006.

Notice of motion for 16.11.2022.

Meanwhile, the appellant is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

4. Learned State counsel, on instructions from SI Sukhvir Singh, submits that in compliance of order dated 08.07.2022 passed by this Court, the appellant(s) has joined the investigation and is not required for further custodial interrogation.

5. Keeping in view the statement made by learned State Counsel the order dated 08.07.2022, is made absolute. The appellant(s) shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C.

6. The appeal is accordingly allowed.

7. Nothing observed hereinabove shall be construed as expression of

opinion of this Court on merits of the case and trial Court shall proceed without being prejudiced by observations of this Court.

December 06, 2023
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(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No