

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

219

CRA-S-1588-2023

Date of Decision: 09.10.2023

Arbind @ Mintu and others

.... Appellants

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Rajesh K. Seheoran, Advocate for the appellants.

Mr. Brijesh Sharma, AAG, Haryana.

NIDHI GUPTA, J. (ORAL)

This is an appeal for setting aside the order dated 18.05.2023 passed by Additional Sessions Judge, Bhiwani, whereby anticipatory bail application of the appellants in case FIR No.175 dated 19.08.2022, registered under Sections 147, 149, 323, 342, 354-A, 379, 500, 506 1PC and Section 3(1)(za)(C) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short-the SC & ST Act), [Sections 3(1)(r)(s) and 3(2) VA of SC & ST Act, 1989, have been added and Sections 354-A, 379 IPC and Section 3(1)(za)(C) of SC & ST Act, 1989, have been deleted later on] at Police Station Behal, District Bhiwani, has been dismissed.

On 30.05.2023, this Court had passed the following order :-

“This is an appeal for setting aside the order dated 18.05.2023 passed by Additional Sessions Judge, Bhiwani, whereby anticipatory bail application of the appellants in case FIR No.175 dated 19.08.2022, registered under

Sections 147, 149, 323, 342, 354-A, 379, 500, 506 1PC and Section 3(1)(za)(C) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (Sections 3(1)(r) (s) and 3(2) VA of SC & ST Act, 1989, have been added and Sections 354-A, 379 IPC and Section 3(1)(za)(C) of SC & ST Act, 1989, have been deleted later on) at Police Station Behal, District Bhiwani, has been dismissed.

2. On the request of learned counsel for the appellants, the complainant-Munish, wife of Sanjay, resident of Village Obra, Tehsil Loharu, District Bhiwani, is ordered to be impleaded as a party/respondent No.2 to the appeal.

3. The Registry is directed to carry out necessary modifications in the memo of parties.

4. Learned counsel for the appellants contends that the offences under Section 3(1)(za)(C) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, are not even alleged against the appellants. The appellants have not been named in the FIR. Only on account of disclosure statement of co-accused, they have been implicated in the case on the allegations that they 'were present in the temple, and were involved in beating'. Even if the allegations are assumed to be true, only offence under Section 323 IPC is made out against them.

5. Notice of motion for 18.09.2023.

6. Ms. Mahima Yashpal, Deputy Advocate General, Haryana appears and accepts notice on behalf of respondent No.1-State.

7. In the meanwhile, arrest of the appellants shall remain stayed. They are also directed to join the investigation as and when called upon do so by the Investigating Officer."

Learned counsel for the appellants submits that in compliance of the order dated 30.05.2023 passed by this Court, the appellants joined the investigation.

Learned State counsel, on instructions from ASI Satyawan, states that in terms of the order passed by this Court, reproduced above, the appellants have joined the investigation; and are co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 30.05.2023 granting interim bail to the appellants is made absolute, and in the event of their

arrest, they shall be released on bail on their furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- i) *that the appellants shall make themselves available for interrogation before the Investigating Officer as and when required;*
- ii) *that the appellants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;*
- iii) *that the appellants shall not leave the country, without prior permission of the Court and shall surrender their passports, if any.*

In case at any given point of time hereinafter, it is felt by the investigating agency that the appellants are required for the investigation but are not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The present appeal stands disposed of.

09.10.2023*rishu***(NIDHI GUPTA)
JUDGE****Whether speaking/reasoned****Yes/No****Whether Reportable****Yes/No**