

211 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRA-S-1716-2023

Date of Decision: 31.08.2023

SURENDER VERMA

... APPELLANT

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Aashna Gill, Advocate for the appellant.  
Mr. Surinder Kumar Dagar, DAG Haryana.  
Mr. Sonu Gill, Advocate for  
Mr. DPS Bajwa, Advocate for the complainant.

\* \* \* \*

VIVEK PURI, J. (ORAL)

1. On 09.06.2023, following order was passed by the Co-ordinate

Bench:

“This appeal is filed against the order dated 06.06.2023 vide which the petition for pre-arrest bail has been dismissed by learned Addl. District & Sessions Judge, Kurukshetra in case FIR No. 219 dated 20.05.2023 registered under Sections 323, 354 A, 452 IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Section 452 IPC deleted and section 506 of IPC and Section 3(1) (R), (S), (W) (i) of the SC/ST Act added later on) at Police Station Kurukshetra University, District Kurukshetra.

Learned counsel for the appellant submits that as per contents of an FIR, the sections of SC/ST Act are not attracted at all.

As per allegations, the appellant called the complainant in his cabin. While sitting alone in his cabin, he told her to sit on the side of his chair. She was understanding the topic and in the meantime petitioner rested his hand on her arm and when she made an attempt to get rid, he bolted the Cabin door from inside and starting teasing her. He also extended threats to her life that in case she would disclose this episode to anyone she would be done to death.

The occurrence if any has taken place inside the cabin. It is not a case of complainant that anybody else was there. There is no medical record that shows that injury under Section 323 is caused and Section 354-A IPC is also bailable offence.

Notice of motion.

At the asking of the Court, Mr. Karan Sharma, DAG,

Haryana accepts notice on behalf of respondent-State. A copy of the paper book be supplied to him during the course of the day.

Mr. Vikram Singh Narwal appears on behalf of the complainant and filed his memo of appearance. The same is taken on record. He undertakes to file Vakalatnama in the Registry. The same is taken on record.

Keeping in view the aforesaid fact and prime facie it is debatable if provisions of SC/ST Act are attracted in this case the operation of impugned order dated 06.06.2023 is hereby stayed and the appellant is directed to join investigation as and when called by SHO/Investigating Officer and in the event of his arrest, he shall be released on interim bail on his 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 appellant shall make himself available for interrogation before the investigating officer as and when required:

(ii) that the appellant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that the appellant shall not leave the country without prior permission of the Court concerned.

List on 14.07.2023.

Reply, if any, be filed on or before the next date of hearing with copy in advance copy to counsel for the appellant.”

2. Learned counsel for the appellant contends that in pursuance of the interim directions, the appellant has joined the investigation.
3. Learned State counsel, on instructions from DSP Randhir Singh, has submitted that the appellant has joined the investigation and his custodial interrogation is not required.
4. Considering above, the appeal is allowed and the interim bail granted by this Court vide order dated 09.06.2023 is made absolute.

31.08.2023

Janki

(VIVEK PURI)  
JUDGE

*Whether speaking/reasoned : Yes/No*  
*Whether reportable : Yes/No*