

CRA-S-1750-2023
DECIDED ON: 19.06.2023

.....APPELLANT

STATE OF HARYANA

.....RESPONDENT

Present: Dr. Pankaj Nanhera, Advocate
for the appellant.

Mr. Amit Aggarwal, DAG, Haryana

VIKRAM AGGARWAL, J (ORAL)

1. The present appeal is directed against the order dated 02.06.2023 vide which the anticipatory bail application filed by the appellant in FIR No.263 dated 15.04.2023 registered under Sections 147, 149, 323, 354, 354-A and 506 of Indian Penal Code and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “SC/ST Act”) at Police Station HTM, Hisar was dismissed.

2. Mr. Amit Singla, Advocate has put in appearance on behalf of the complainant and has filed his power of attorney.

3. The complainant had submitted a complaint levelling allegations of assault, molestation and abuse in the name of caste by the appellant. Initially, the offences under the SC/ST Act were deleted and the appellant was released on regular bail. However subsequently, after the matter having been investigated by the police officials, the offences under the SC/ST Act were again added on 17.05.2023.

3. Learned counsel for the appellant submits that the appellant has

been falsely implicated. It has been submitted that the statement under Section 164 of the Code of Criminal Procedure (for short “Cr.P.C.”) was recorded one month after the alleged incident as the said incident took place on 15.04.2023 and the statement under Section 164 Cr.P.C. was recorded on 09.05.2023. He further submits that no recovery has to be made from the appellant and that custodial interrogation would not serve any purpose.

4. On the other hand, learned counsel representing the State of Haryana and learned counsel for the complainant have drawn the attention of the Court towards the specific allegations levelled against the appellant in the FIR as also in the statement given under Section 164 Cr.P.C. which has been read out by learned State counsel.

5. I have considered the submissions made by learned counsel for the parties. Specific allegations of abuse in the name of caste have been levelled in the FIR as also in the statement under Section 164 Cr.P.C. The specific words alleged to have been used by the appellant have also been mentioned. The complainant and her sister were severely injured in the assault. Under the circumstances, I do not find it to be a case where anticipatory bail can be granted especially in view of the bar laid down under Section 18 of the SC/ST Act.

In view of the above, I do not find any merit in the present appeal and the same is accordingly dismissed.

(VIKRAM AGGARWAL)
JUDGE

19.06.2023

Prince Chawla

Whether speaking/reasoned Yes/No

Whether reportable Yes/No