

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203

CRA-S-1648 of 2022
Date of decision:14.02.2023

Anuj Kumar

... Appellant

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Kamal Mor, Advocate
for the appellant.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Anil Dutt, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

On 10.10.2022, this Court passed the following order:-

“Instant appeal has been filed under Section 14 (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for short “SC/ST Act”) against order dated 26.07.2022 passed by learned Additional Sessions Judge, Jhajjar, whereby anticipatory bail of the appellant was dismissed in case FIR No.84 dated 10.03.2022 registered under Sections 323, 342, 354-A, 346 (2) (n), 376-D and 506 of IPC, 1860, however, Sections 3 (2) (v), 3 (1) w (i), 3 (1) w (ii)

and 3 (2) va of the SC/ST Act were added later on, at Police Station Asauda, District Jhajjar.

Status report by way of an affidavit of Additional Superintendent of Police, Badli, District Jhajjar has been filed on behalf of respondent No.1-State in compliance of order dated 14.09.2022, which is taken on record.

Counsel for the appellant has contended that although the prosecutrix has alleged that the appellant alongwith co-accused has sexually assaulted her, but in her affidavit dated 23.07.2022, Annexure P-2, she has deposed that Anuj Kumar (present appellant) had helped her and safely brought her home. Counsel submits that the affidavit, Annexure P-2, has been duly verified by the State as is apparent from the status report filed in the Court today.

Appeal has been opposed by the State counsel, who has made a reference to the statement of the prosecutrix recorded under Section 164 of Cr.P.C. as well as to her medical examination report. State counsel, however, could not dispute that the statement Annexure R-3 of the prosecutrix has been recorded by the Investigating Agency and she has stood by her affidavit, Annexure P-2. Counsel for complainant/respondent No.2 submits that the complainant does not have any objection, in case the appellant is granted interim protection.

List on 14.02.2023.

Meanwhile, the appellant shall join the investigation on 18.10.2022 at 11.00 am at Police Station Asauda, District Jhajjar and cooperate with the Investigating Agency. In the event of arrest, he will be released on interim bail on his furnishing personal and surety bonds to the satisfaction of the Investigating Officer/Arresting Officer.”

Upon instructions, State counsel submits that appellant has joined the investigation and cooperated with the Investigating Agency.

In view of the above, appeal is allowed. Impugned order dated 26.07.2022 passed by learned Additional Sessions Judge, Jhajjar is set aside. Interim order dated 10.10.2022 passed by this Court is made absolute subject to the fulfilment of conditions laid down in Section 438(2) Cr.P.C.

February 14, 2023

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(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>