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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRA-S-2240-2023 (O&M)
Date of decision : 20.09.2023**

Sandeep Kumar Rana and others

...Appellant(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Arun K. Gupta, Advocate,
for the appellants.

Mr. Vikram Singh, AAG, Haryana,
assisted by ASI Narender Kumar.

Mr. R.S. Malik, Advocate,
for the complainant.

MAHABIR SINGH SINDHU, J.

Present appeal has been filed under Section 14A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities), Act, 1989 (for short, '*the SC&ST Act*') read with Section 438 of the Code of Criminal Procedure, 1973 (for short, '*the Cr.P.C.*'), against the order dated 21.07.2023, passed by learned Additional Session Judge, Sonipat, whereby, application for grant of pre-arrest bail to the appellants in FIR No.148 dated 02.05.2023, under Sections 294, 406, 506 & 34 of the Indian Penal Code, 1860; and Section 3 of the SC&ST Act, registered at Police Station Murthal, District Sonipat, was rejected.

2. Allegations against the appellants are that they along with other co-accused threatened the complainant and used derogatory words against his caste.

3. This Court, on 28.08.2023, granted interim bail to appellants and relevant part of the same is recapitulated as under:-

“Learned Counsel for the petitioners raised two-fold submissions:-

- (i) that the alleged occurrence had taken place on 08.02.2023; whereas present FIR was registered after approximately three months i.e. 02.05.2023.*
- (ii) all the petitioners are resident of Himachal Pradesh, therefore, they are not aware about the caste of the complainant.*

Faced with the above situation, learned State Counsel seeks time to file fresh affidavit.

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In the meanwhile, petitioners shall join investigation before the Investigating Officer. In the event of arrest, the Arresting Officer would admit them to interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioners are also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

4. Contends that in terms of the aforesaid order, appellants have already joined investigation and their custodial interrogation is not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court

and further stated that custodial interrogation of the appellants is not required at this stage.

6. Although, learned counsel for the complainant vehemently opposed the prayer of petitioner, but in view of fact that State is not seeking custodial interrogation; therefore, objection raised by learned counsel for the complainant is rejected.

7. In view of above, interim order dated 28.08.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

8. It is also made clear that appellants shall fully co-operate with the Investigating Officer as and when called for further investigation.

9. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

10. Disposed off accordingly.

20.09.2023
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No