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

**CRA-S-2321-2023 (O&M)
Date of decision : 31.10.2023**

Gurneet and another

...Appellant(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vimal Kumar Gupta, Advocate,
for the appellants.

Mr. Chetan Sharma, DAG, Haryana,
assisted by SI Raj Kumar.

MAHABIR SINGH SINDHU, J.

Present appeal has been filed under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities), Act, 1989 (for short, 'the SC&ST Act'), for quashing of order dated 07.08.2023, passed by learned Additional Sessions Judge, Kaithal, whereby, application under Section 438 of the Code of Criminal Procedure, 1973 (for short, '*the Cr.P.C.*') for grant of pre-arrest bail to the appellant in FIR No.201 dated 02.07.2023, under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC&ST Act; and Sections 148, 149, 323, 341, 506 (Section 325 added subsequently) of the Indian Penal Code, 1860 (for short, '*the IPC*'), registered at Police Station Sadar, District Kaithal, was dismissed.

2. As per the prosecution story, appellants along with other co-accused entered into the house of complainant on 28.06.2023 and

hurled abuses against his caste. On 29.06.2023, the accused persons waylaid the complainant and inflicted multiple injuries to him.

3. This Court, on 19.09.2023, granted interim bail to appellants and relevant part of the same is recapitulated as under:-

“Status report by way of an affidavit of Umed Singh, HPS, Deputy Superintendent of Police, Kaithal has been filed by learned State counsel. The same is taken on record. Copy thereof has been supplied to the counsel opposite.

Learned counsel for the appellants while making reference to para 7 of the aforesaid status report submits that there is no allegation against the appellants that they have uttered any caste related words against the complainant.

In view of the above, learned State counsel seeks time to have instructions.

Posted for 18.10.2023.

In the meanwhile, appellants 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 appellants 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. In view of above, order impugned dated 07.08.2023, passed by learned Court below, is quashed and set aside; and interim order dated 19.09.2023 passed by this Court, is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

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

8. 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.

9. Disposed off accordingly.

31.10.2023

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**(MAHABIR SINGH SINDHU)
JUDGE**

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