

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

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**CRA-S-2342-2023 (O&M)
Date of Decision: 06.12.2023**

Rajpal and another

..... Appellants

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Vishal R. Lamba, Advocate, for
Mr. H.S. Deol, Advocate
for the appellants.

Mr. Vikram Singh, AAG, Haryana.

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 18.08.2023, passed by Learned Addl. Sessions Judge, Karnal, whereby application under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') for grant of anticipatory bail to the appellants in FIR No. 159 dated 30.04.2023, under Sections 323, 506, 148 read with Section 149, IPC and Section 3(2)(v) of SC/ST Act, registered at Police Station Taraori, Distt. Karnal, was dismissed.

2. The above FIR was registered on the basis of complaint made

Babu Ram with the allegations that Rajpal and his son Sanju along with five-six persons assaulted him with *Lathi*, *Danda* and sword and passed castiest remarks in front of his house in the street.

3. This Court, while issuing notice of motion on 31.08.2023, granted interim bail to appellants in the following manner:-

“Contends inter-alia that even from bare perusal of FIR, it is not discernible as to what “caste related words” were spoken by the appellants.

Notice of motion for 27.09.2023.

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

4. Learned counsel for the appellants submits that in pursuance of the aforesaid order, appellants have already joined the investigation and their custodial interrogation is not required.

5. Learned State Counsel, on instructions from Suresh Kumar, DSP submits that appellants have joined investigation and as on today, their custodial interrogation is not required.

6. In view of above, order impugned 18.08.2023, passed by Learned Court below, is set aside; and interim order dated 31.08.2023 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 appeal.

9. Disposed off accordingly.

10. Pending application(s), if any shall also stand disposed off.

(MAHABIR SINGH SINDHU)
JUDGE

06.12.2023

Satyawan

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No