

2023:PHHC: 152683

**268 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****CRA-S-2323-2023 (O&M)
Date of decision: 30.11.2023****MANJEET KAUR****.....APPELLANT****VERSUS****STATE OF HARYANA AND ANR****.....RESPONDENTS****CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Simranjeet Singh Sarwara, Advocate
for the appellant.

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The appellant is impugning the order dated 18.08.2023 passed by learned Additional Sessions Judge, Ambala, whereby her application under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.442 dated 31.07.2021 under Sections 148, 149, 323, 324, 341, 452, 506 of the Indian Penal Code, 1860 and Section 3 of the SC/ST Act registered at Police Station Mahesh Nagar, District Ambala, has been dismissed.
2. Mr. Sourabh Goel, Advocate has put in appearance on behalf of the respondent No. 2 and filed Power of Attorney, which is taken on record.
3. Vide order dated 01.09.2023 the appellant had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Learned counsel for the appellant, while drawing the attention of this Court to the allegations levelled in the FIR, inter alia, contends that a perusal of the same clearly reveals that the petitioner has not been attributed any casteist utterances so as to invite the mischief of offence under Section 3 of the SC/ST Act. He further submits that even otherwise the only role attributed to the petitioner is that she beat up the mother of the complainant. It has also been submitted that in the occurrence in question, in fact, the opposite party had inflicted injuries on

the petitioner on her foot. In support, learned counsel has placed reliance upon judgment of Hon'ble Supreme Court in Prithvi Raj Chauhan Versus U.O.I. Writ Petition (C) No.1015 of 2018.”

4. Learned counsel for the appellant submits that in compliance of order dated 01.09.2023, the appellant had joined investigation and cooperated with the investigating agency.

5. Learned State counsel does not dispute the factum of the appellant having joined investigation and cooperated with the investigating agency. He, on instructions, submits that the appellant is not required for further investigation much less for her custodial interrogation.

6. In view of the above, the appeal is allowed and interim order dated 01.09.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

30.11.2023

manoj

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No