

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

**CRA-S-2365-2023 (O&M)
Date of decision : 29.11.2023**

Pala Ram

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. C.R. Narwal, Advocate for the appellant.

Mr. Ashok S. Chaudhry, Addl. A.G., Haryana.

MAHABIR SINGH SINDHU, J.

Present appeal has been filed under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST' Act) for setting aside order dated 21.08.2023 passed by learned Additional Sessions Judge/Special Judge, Kaithal and for grant of pre-arrest bail to the appellant in FIR No.291 dated 02.08.2023, under Section 506 read with Section 34 of the Indian Penal Code, 1860 and Section 3(2) (va) of SC/ST Act, registered at Police Station Civil Lines, Kaithal.

(2) Allegations are that appellant alongwith co-accused threatened and hurled casteist remarks against the complainant.

(3) This Court, on 12.10.2023, granted interim bail to the appellant and which reads as under:-

“Contends inter alia that there is no specific allegation regarding the caste related utterances made against the complainant.

Learned State counsel seeks time to have instructions and/or file written response in the matter.

Posted for 29.11.2023.

In the meanwhile, applicant-appellant shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The applicant-appellant shall also

abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

- (4) Learned Counsel submits that in pursuance of the aforesaid order, appellant has already joined the investigation and his custodial interrogation is not required.
- (5) Learned State Counsel, on instructions from DSP-Umed Singh, also acknowledged that appellant has joined investigation and as on today, his custodial interrogation is not required.
- (6) In view of above, impugned order dated 21.08.2023 is set aside and interim order dated 12.10.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (7) It is also made clear that appellant 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) It is made clear that in case of any recurrence on the part of the appellant, the State would be at liberty to move an application for recalling of this order.
- (10) Disposed off accordingly.
- (11) Pending application(s), if any, shall also stand disposed off.

29.11.2023
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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