

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

252

CRA-S-2603-2023

Date of Decision:30.11.2023

Narender Dhull @ Narender Dhul

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Pranshul Dhull, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana
assisted by ASI Arun Kumar.

DEEPAK GUPTA, J.(ORAL)

On 15.09.2023, following order was passed:

“CRM-38929-2023:

This is an application under Section 482 Cr.P.C. to place on record the order dated 11.09.2023 (Annexure A-5) passed by co-ordinate Bench of this Court in CRM-M-27989-2023.

Allowed.

Annexure A-5 is taken on record.

CRA-S-2603-2023:

This appeal is filed under Section 14-A(2) of The Schedule Castes & Schedule Tribes (Prevention of Atrocities) Act, 1989 whereby application seeking anticipatory bail has been declined by learned Special Court, Nuh, vide impugned order dated 10.07.2023.

It is contended by learned counsel that in the initial version of the FIR there were allegations only under Section 323 & 506 of the IPC. It is only after about 20 days that the supplementary statement was made by the complainant so as to invoke the provisions of Section

3 of The Schedule Castes & Schedule Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel further contends that petitioner was allowed interim anticipatory bail by the Court of learned Additional Sessions Judge, Nuh vide order dated 04.05.2023 and he was asked to join the investigation. Learned counsel contends that before he could join the investigation, he was involved in another case bearing FIR No.92 dated 18.05.2023 under Section 7 of The Prevention of Corruption Act, 1988 and Section 384 of the IPC, in which he separately applied for anticipatory bail. He was allowed interim bail in that case by a co-ordinate Bench of this Court vide order dated 11.09.2023 passed in CRM-M-27989-2023 (Annexure A-5). However, in the meantime, learned Special Judge dismissed the application for anticipatory bail vide impugned order dated 10.07.2023, due to non-joining of the investigation. Learned counsel contends that because of the compelled circumstances, petitioner could not join the investigation and that he is still ready to join the investigation and he be granted one more opportunity.

Notice of motion.

Mr. Randhir Singh, Addl. AG, Haryana accepts notice on behalf of respondent- State.

Adjourned to 30.11.2023.

In the meantime, in case of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. However, it is directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.”

Status report by way of an affidavit of Shri Surender Kumar,

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HPS, Deputy Superintendent of Police, Nuh, District Nuh has been filed on behalf of respondent- State.

Today learned State counsel, on instructions from ASI Arun Kumar, submits that petitioner has since joined the investigation and is not required for custodial interrogation.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case order dated 15.09.2023 is hereby made absolute, whereby petitioner was granted interim anticipatory bail.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

November 30, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No