

2023:PHHC:153454

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

CRA S-2734-2023

Date of Decision: 01.12.2023

Anand

...appellant

Vs.

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Ajay Vijarania, Advocate for the appellant.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

Mr. Shalender Mohan, Advocate, for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The appellant has filed the present appeal under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter to be referred as '**the Act**') for setting aside the order dated 04.07.2023 passed by the Court of Additional Sessions Judge, Bhiwani, whereby, the anticipatory bail petition filed by the present appellant in case FIR No. 139 dated 17.04.2023 under Sections 323, 325, 506 and 34 of IPC and Section 3(2)(VA) of the Act (later on added Section 307 IPC) registered at Police Station Bawani Khera, District Bhiwani was ordered to be dismissed.

2. While issue notice of motion on 12.10.2023, this Court had noticed the following contentions made on behalf of the appellant:-

“Learned counsel for the appellant contends that the occurrence in the present case had taken place on 14.04.2023 and the FIR was registered by the complainant on 17.04.2023 after long and unexplained delay. He further contends that the appellant was arrested in the present case on 09th May 2023 and was granted the concession of regular bail on 15.05.2023. Learned counsel further contends that the offence under Section 307 IPC has been wrongly added in the present case and the custody of the appellant will not serve any meaningful purpose”.

3. Learned counsel for the appellant contends that in compliance of order dated 12.10.2023 passed by this Court, the appellant had joined the investigation. He further contends that he had cooperated during the course of investigation and his custodial interrogation is not required at this stage.

4. On the other hand, learned State counsel has opposed the prayer made by the appellant on the ground of seriousness of the allegations. However, he does not dispute the fact that the appellant has joined the investigation.

5. Learned State counsel instructions from ASP Logesh Kumar, IPS, Bhiwani, submits that the custody of the appellant is not required, at this stage.

6. Learned counsel appearing on behalf of respondent No.2/complainant has also vehemently opposed the prayer made by the learned counsel for the appellant and submitted that the injured had still not recovered completely.

7. I have heard learned counsel for the parties and perused the record.

8. It is apparent from the record that the appellant was earlier granted the concession of regular bail on 15.05.2023. Even, the present appeal has been filed by the appellant as the offence under Section 307 IPC added in the present case. However, as it is clear from the statement made by the learned State counsel, custodial interrogation of the appellant is not required, at this stage.

9. Consequently, the appeal is allowed and the interim order dated 12.10.2023 is made absolute. The appellant shall continue to join investigation, as and when called by the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) of the Cr.P.C.

01.12.2023

(N.S.SHEKHAWAT)

amit rana

JUDGE

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