

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(220)

CRA-S-2264-2022
DATE OF DECISION:-23.02.2023

Talib

...Petitioner

vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. C. S. Singh, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

By way of present appeal filed under Section 14A of the Scheduled Castes and the Scheduled and Tribes (Prevention of Atrocities) Act, 1989, challenge has been made to an order dated 31.10.2022, whereby, prayer made by the appellant for grant of anticipatory bail in the aforementioned FIR was dismissed.

On 05.01.2023, the following order was passed:

“In the present case, prayer is made for setting aside the impugned order dated 31.10.2022 passed by learned trial Court, whereby, pre-arrest bail of the petitioner has been dismissed.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR but was implicated on a disclosure statement made by one of the co-accused. He further submits that injury under Section 326 IPC has not been attributed to him.

On the other hand, learned State counsel vehemently opposed the contention raised on behalf of petitioner by relying upon the disclosure statement made by co-accused Kadir (Annexure R-3) who justifies the implication of the petitioner.

Having heard learned counsel for the parties and gone

through the paper book as well as reply submitted by the State in Court.

Considering the contention raised on behalf of the petitioner and the fact that challan has already been filed against the co-accused, I deem it appropriate to grant interim bail to the petitioner on his furnishing bail/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

List on 23.02.2023.”

Today, learned State counsel on instructions from ACP Vijay, submits that petitioner has joined the investigation on 21.02.2023 and is no more required for the purpose of investigation in the present FIR.

Considering the aforesaid, besides the fact that appellant was not named in the FIR but was implicated on the basis of a disclosure made by co-accused namely Kadir and even the injury under Section 326 IPC was not attributed to him, the present petition is allowed and the order dated 31.10.2022 passed by the additional Sessions Judge, Punjab, is hereby set aside and the order dated 05.01.2023 is made absolute.

Disposed of accordingly.

23.02.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No