

2023:PHHC:158941

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(235)

CRA-S-2979-2023 (O&M)
Date of decision:- 12.12.2023.

Abhishekh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Suman Beniwal, Advocate
for the appellant.

Mr. Sumit Jain, Addl. A.G., Haryana.

DEEPAK GUPTA, J. (Oral)

1. On 13.10.2023, the following order was passed by this
Court:-

“Appellant moved an application under Section 438 Cr.P.C before learned Additional Sessions Judge, Hisar for grant of anticipatory bail in case FIR No.286 dated 03.09.2023 registered under Sections 307/506/34 IPC, 25/54/59 of Arms Act & 3(2)(va) of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, the SC & ST Act') at Police Station Uklana. However, said application was declined on 19.09.2023. Present appeal under Section 14A of the SC & ST Act has been filed against the afore-said order.

It is contended by learned counsel that the only role attributed to the appellant is to have done recci. It is co-accused Sagar who is attributed to have fired shot upon the complainant Randhir. Learned counsel further contends that provisions of the SC and ST Act cannot be attracted to this case because petitioner also belongs to the Scheduled Caste, as per certificate Annexure P.2 issued by the Haryana Government.

Notice of motion.

Mr. Randhir Singh, Addl. AG, Haryana, accepts notice on

behalf of the respondent- State. Copy of the petition be supplied to him during course of the day.

Adjourned to 12.12.2023 for filing status report.

In the meantime, in case of his arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/ Investigating Officer. However, it is further 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.”

2. Today, learned State counsel has filed status report by way of an affidavit of Gaurav Sharma, HPS, Deputy Superintendent of Police, Barwala, Hisar, which is taken on record and has informed this Court that the petitioner has joined the investigation, in compliance of the order dated 13.10.2023 and is no longer required for further investigation.

3. In view of the aforesaid, the order dated 13.10.2023, whereby the petitioner was granted interim anticipatory bail, is hereby made absolute. However, he shall continue to join investigation, if and so required by the Investigating Officer.

4. Pending application, if any, shall dispose of.

(DEEPAK GUPTA)
JUDGE

12th December, 2023

spn

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