

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S No.2410 of 2022 (O&M)
Date of decision: 24th April, 2023

Saroj Devi
... Appellant
Versus
State of Haryana
... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kuldeep Sheoran, Advocate for the appellant.
Mr. Chetan Sharma, Assistant Advocate General, Haryana
for the respondent/State.
Mr. Anurag Jain, Advocate
as Amicus Curiae.

MANJARI NEHRU KAUL, J. (ORAL)

The appellant is seeking grant of the concession of anticipatory bail in case bearing FIR No.612 dated 11.10.2022 under Sections 506/34 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Civil Lines, District Hisar.

Vide order dated 30.01.2023, the appellant had been granted concession of interim bail in the following terms:-

“Learned counsel for the appellant would contend that the expression “Dhed” was not, in fact, a derogatory word as had been alleged by the complainant but was an expression, which was frequently used in normal customary parlance in the place where the parties were residing.

Learned counsel further submitted that in Haryanvi dialect, it was used for a “stupid person” and the alleged derogatory word did not even relate to any particular caste and therefore, the bar contained under Sections 18 and 18-A of SC & ST Act would be inapplicable to the present case. Therefore, the appellant had not used the said word in a derogatory manner much less to insult and humiliate the complainant.

Learned amicus curiae, while drawing the attention of this Court to Part V of List of Scheduled Castes, The Constitution (Scheduled Castes) Order, 1950 wherein various castes are reflected, submitted that the expression “Dhed” is not one of the 37 castes, which fall under the SC/ST Act with respect to the State of Haryana. Learned counsel further submitted that in Haryana, “Dhed” is not included in the list of Scheduled Caste although 'Deha', 'Dhaya' and 'Dhea' are included in the List of the Scheduled Castes but are admittedly different from “Dhed”. Learned counsel further submitted that in Part IX of List of Scheduled Castes, in some States like Gujarat, Madhya Pradesh and Chhattisgarh “Dhed” did fall within the SC/ST category but yet again they would have no application in the State of Haryana for the reasons as submitted by him earlier. Learned amicus curiae thus, submits that since there was no notified Scheduled Castes by the name “Dhed”, in the State of Haryana “Dhed” could not be termed as a derogatory remark rather after consultation with the locals, it emerged that the said term was being frequently used to denote “a stupid person”.

Learned counsel for the appellant submits that in compliance of the order dated 30.01.2023, the appellant has joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions from Abhimanu Lohan, HPS, DSP, Hisar, does not dispute the factum of the appellant having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the appellant is not required for further investigation much less for her custodial interrogation.

In the circumstances, the appeal is allowed and the interim order dated 30.01.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the appellant misuses the concession of bail granted to her, the State would be at liberty to seek cancellation of the bail granted to her.

(MANJARI NEHRU KAUL)
JUDGE

April 24, 2023
rps

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