

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

255

CRA-S-149-2024
Date of decision : 06.03.2024

Anuj Kumar @ Sunny Appellant

versus

State of Haryana and another Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Sanjeev Majra, Advocate
for the appellant.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

Mr. Raghav Sharma, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 25.01.2024, following order was passed:-

“CRM-2738-2024

For the reasons recorded in application, same is allowed. Video recording is taken on record as Annexure R-2/1.

CRA-S-149-2024 (O&M)

This is an appeal under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amended 2018) read with Section 482 Cr.P.C. against impugned order dated 06.01.2024 dismissing anticipatory bail application of the appellant in case FIR No.832 dated 28.11.2023 registered under Sections 323, 506, 341 IPC, Sections 3(1)(R)(S), 3(2)(VA) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Shahabad, District Kurukshetra.

2024:PHHC:033733

Notice of motion.

On asking of the Court, Mr. Gaurav Bansal, D.A.G., Haryana appears and accepts notice on behalf of respondent No. 1/State. Mr. Raghav Sharma, Advocate appears on behalf of the complainant/respondent No.2.

Counsel for respondent No.2 has placed on record a video recording. This Court directed both the counsels for parties to sit with learned State counsel and watch the video to see as to whether any casteist remarks have been made by the appellant against respondent No.2. After seeing the video by all of them, counsels are ad idem that there is nothing to suggest that any casteist remarks were made by the present appellant.

Adjourned to 06.03.2024.

In the meantime, in the event of arrest, the appellant shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the appellant shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

2. Today, learned State counsel, on instructions from SI Richpal Singh, has stated that pursuant to the order dated 25.01.2024, the appellant has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 25.01.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. This order should not be treated as "blanket" order. It will not be read granting appellant indefinite protection from arrest. It shall

be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the appellant.

6. The appellant shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the appellant in case the occasion arises.

7. It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

8. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

9. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

06.03.2024

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Whether speaking/reasoned : Yes

Whether Reportable : No