

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-S-451-2024
Date of decision: 06.03.2024

SureshPetitioner.

Versus

State of Haryana and anotherRespondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Sant Lal Barwala, Advocate
for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

Mr. Sanchit Punia, Advocate,
for the complainant.

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SANJIV BERRY, J. (ORAL)

1. By way of instant appeal, appellant has assailed the impugned order dated 02.01.2024, passed by learned Additional Sessions Judge, Hisar, in case FIR No. 807 dated 27.10.2023 under Sections 323, 506 and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 (for short, '*the SCs and STs Act, 1989*') registered at Police Station Azad Nagar, District Hisar, vide which the anticipatory bail of the appellant filed under Section 438 Cr.PC had been dismissed.
2. Heard.

3. Learned counsel for the appellant contends that appellant is innocent and has been falsely implicated in this case. He contends that matter has been compromised between the complainant and the appellant. He further contends that vide order dated 05.02.2024, appellant had been directed to join investigation and granted interim bail. He submits that the petitioner has already joined the investigation.

4. During the course of hearing on 05.02.2024, following order was passed: -

‘1. By way of instant appeal, appellant has assailed the impugned order dated 02.01.2024, passed by learned Additional Sessions Judge, Hisar, in case FIR No. 807 dated 27.10.2023 under Sections 323, 506 and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 (for short, ‘*the SCs and STs Act, 1989*’) registered at Police Station Azad Nagar, District Hisar, vide which the anticipatory bail of the appellant had been dismissed.

2. Heard.

3. It is, *inter alia*, contended by learned counsel for the appellant that the appellant has been falsely implicated in this case. He further contends that no specific overt act has been attributed to the appellant and even the allegations levelled by the complainant are flimsy and baseless which *prima facie* attracts no offence.

4. Learned counsel further contends that even the alleged injury is not visible in the MLR and the complainant has simply complained of pain and even the allegation of abuse, leveled by the complainant, do not attract the provisions contained under *the SCs and STs Act, 1989*. He further contends that the petitioner is having clean antecedents and is ready to join the investigation.

5. Notice of motion, returnable for 19.02.2024.

6. On the asking of the Court, Mr. Surender Singh, AAG, Haryana, present in Court, accepts notice on behalf of the State-respondent and prays for time to file the status report/reply in the matter. However, he does not dispute the factual matrix of the case.
7. Notice qua respondent No. 2 be issued through Registry of this Court for the date fixed.
8. Needful be done well before the date fixed with an advance copy to the counsel opposite.
9. In the meanwhile, the appellant is hereby directed to join investigation within a period of 07 days and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by the conditions as envisaged under Section 438(2) Cr.PC.'
5. Learned State counsel, on instructions from ASI Pardeep, intimates the Court that the appellant has joined the investigation and is neither required for further investigation nor for any custodial interrogation.
6. Mr. Sanchit Punia, Advocate, has put in appearance on behalf of respondent No. 2/complainant and filed his memo of appearance. The same is taken on record. He submits that matter has been compromised between the parties and does not dispute the factual matrix of the case.
7. After considering the rival contentions and perusing the record, it transpires that the appellant has been booked in the instant FIR for having committed offence punishable under Sections 323, 506 and 3 of the Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act,1989. At the same time, it is not disputed that the petitioner after having been directed vide order dated 05.02.2024 has joined the investigation. As per learned State counsel, he is not required for further investigation nor he is required for custodial interrogation of the case. This be the case, the interim bail granted to the petitioner vide order dated 05.02.2024 is hereby confirmed subject to the conditions as envisaged under Section 438(2) Cr.PC. The petitioner is directed to join investigation as and when required in future also by way of a written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

8. With these observations, impugned order dated 02.01.2024 passed by learned Additional Sessions Judge, Hisar, is set aside and the instant appeal stands allowed.

06.03.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |