



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRA-S No.637 of 2024

Date of decision: 14th May, 2024

Ajay Meena & another

... Appellants

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai, Advocate for the appellants.

Mr. Rajesh Gaur, Addl. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The appellants are impugning the order dated 11.01.2024 passed by learned Additional Sessions Judge, Special Court, Kurukshetra whereby their application for grant of anticipatory bail in case FIR No.0237 dated 28.05.2018 under Sections 302, 201, 34 of the IPC and Section 3(2)(I) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the SC/ST Act') registered at Police Station Kurukshetra University, Kurukshetra, District Kurukshetra, was dismissed.

2. On 16.02.2024, while noticing the following submissions made by learned counsel for the appellants, this Court had directed them to appear and surrender before the trial Court, whereupon they



would be granted the concession of interim bail to the satisfaction of the learned trial Court:

“Learned senior counsel for the appellants inter alia contends that the learned Trial Court erred in dismissing their prayer for anticipatory bail without duly considering the circumstances surrounding the cancellation report filed by the investigating agency after the death of Ashok Meena. He submits that the son of the complainant passed away after falling from the stairs qua which DDR No.5 dated 06.12.2017 was also recorded followed by the inquest proceedings carried out. However, strangely after an inordinate delay of 03 months an FIR under Sections 302, 201, 34 of the IPC along with Section 3(2)(I) of the SC/ST Act was lodged against them. An SIT was then formed which carried out thorough investigation and after using scientific methods during their investigation, the investigating agency filed a cancellation report before the Trial Court. In support, learned senior counsel has drawn the attention of this Court to the report of the SIT annexed as Annexure A-2. It has been still further contended that even a polygraph test was conducted with the consent of the appellants; the result of the polygraph test corroborated the initial version brought forth during the inquest proceedings. In support, learned senior counsel has drawn the attention of this Court to the report of the polygraph test annexed as Annexure A-8. It has thus been vehemently argued by the learned senior counsel that in the absence of any evidence, particularly the absence of any motive on the



part of the appellants to commit the murder of Ashok Meena, the learned Trial Court erred in refusing the concession of anticipatory bail to the appellants by basing its decision solely on the protest petition filed by the complainant.”

3. Learned senior counsel for the appellants submits that in compliance of the order dated 16.02.2024, the appellants have surrendered before the learned trial Court and have been granted the concession of interim bail by the Court concerned. In support, he has placed on record a copy of the order dated 23.02.2024 passed by learned Additional Sessions Judge, Kurukshetra.

4. Learned State counsel, on instructions, does not dispute the submissions made by the learned senior counsel for the appellants.

5. In the circumstances, the appeal is allowed and the interim order dated 16.02.2024 is made absolute.

(MANJARI NEHRU KAUL)
JUDGE

May 14, 2024
rps

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