



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

CRA-S No.991 of 2024
Date of decision: 14th May, 2024

Shubham

... Appellant

Versus

State of Haryana & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Suman Sagar, Advocate for
Mr. Jitender Dhanda, Advocate for the appellant.
Mr. Rajesh Gaur, Addl. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The appellant is impugning the order dated 28.02.2024 passed by learned Additional Sessions Judge, Special Court, Kurukshetra whereby his application for grant of anticipatory bail in case FIR No.237 dated 28.05.2018 under Section 302 of the IPC [Sections 201, 34 of the IPC and Section 3(2)(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the SC/ST Act') added lateorn] registered at Police Station Kurukshetra University, Kurukshetra was dismissed.

2. On the last date of hearing i.e. 11.03.2024, while noticing the following submissions made by learned counsel for the appellant, this Court had directed him to appear and surrender before the trial



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

“Learned counsel for the appellant inter alia contends that the learned Trial Court erred in dismissing his 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 him. 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 learned Trial Court. It has been still further contended that even a polygraph test was conducted with the consent of the appellant; the result of the polygraph test corroborated the initial version brought forth during the inquest proceedings. In support, learned counsel has drawn the attention of this Court to the report of the polygraph test annexed as Annexure A-2. It has thus been vehemently argued by the learned counsel that in the absence of any evidence, particularly the absence of any motive on the part of the appellant to commit the murder of Ashok Meena, the learned Trial Court erred in refusing the concession of



anticipatory bail to the appellant by basing its decision solely on the protest petition filed by the complainant.”

3. Learned counsel appearing on behalf of the appellant submits that in compliance of the order dated 11.03.2024, the appellant has surrendered before the learned trial Court and has been granted the concession of interim bail by the Court concerned. In support, he has placed on record a copy of the order dated 21.03.2024 passed by learned Additional Sessions Judge, Kurukshetra.

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

5. In the circumstances, the appeal is allowed and the interim order dated 11.03.2024 is made absolute.

(MANJARI NEHRU KAUL)
JUDGE

May 14, 2024
rps

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