

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

230/2

**CRA-S-1019 of 2023
Date of decision : 29.8.2024**

Amit and anotherApplicant/Appellants
Versus
State of Haryana and anotherRespondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Akshay Kumar Dahiya, advocate and
Mr. Deepak Dahiya, Advocate, for the applicants-appellants

Ms. Priyanka Sadar, AAG, Haryana

None for respondent no.2

SUMEET GOEL, J. (ORAL)

1. Present appeal has been filed against the order dated 31.3.2023 passed by the Special Judge-cum-Additional Sessions Judge, Faridabad, whereby the application for grant of anticipatory bail to the appellants in FIR No.51 dated 3.3.2023 under Sections 323, 354, 354-A, 365 and 34 of IPC and section 3 of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Tigaon, District Faridabad, has been dismissed.
2. Case has been called twice since morning. But none has appeared on behalf of respondent no.2. Faced with the situation, this Court proceeded to hear the instant appeal.



3. On 7.11.2023 the following order was passed:-

‘The present appeal has been filed against the order dated 31.03.2023 passed by the Special Judge-cum-Additional Sessions Judge, Faridabad, whereby the application for grant of anticipatory bail has been dismissed.

Learned counsel for the appellants would contend that the appellant in CRA-S-862-2023 had lodged a complaint on 02.03.2023 against the husband of the prosecutrix wherein he has alleged that at about 06.00 PM an altercation had taken place and the husband of the prosecutrix had caught hold of the hand of the applicant therein and dragged her down. Learned counsel would further contend that no FIR was lodged on the said complaint. However, on the very next date, the present FIR was lodged on the statement made by the prosecutrix. Learned counsel would further contend that totally vague allegations have been made in the FIR and hence, the bar of Section 18 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 would not be applicable.

List on 01.02.2024.

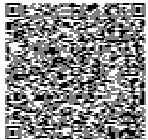
Meanwhile, the appellants are directed to join investigation as and when called for. In the event of arrest, the appellants shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The appellants shall also abide by all the terms and conditions as specified in Section 438 (2) of the Code of Criminal Procedure, 1973.

To be heard alongwith CRA-S-862-2023 on the date already fixed therein.’

4. Learned State counsel, on instructions, has stated that pursuant to the order dated 7.11.2023, the appellants have joined investigation and are no longer required for custodial interrogation.

5. In view of the above, the interim order dated 7.11.2023 passed by this Court are made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS.

6. This order should not be treated as “blanket” order. It will not



be read granting appellants 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.

7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the appellants violates any condition stipulated under Section 482(2) of BNSS, 2023 or upon showing any other sufficient cause.

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

(SUMEET GOEL)
JUDGE

29.8.2024
Ashwani

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