



CRA-S-1130-2023 (O&M)

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

CRA-S-1130-2023 (O&M)
Decided on : 03.12.2024

Subham

..... Appellant

Versus

State of Haryana & anr.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ashish Pannu, Advocate
for the appeal

Ms. Trishanjli Sharma, DAG, Haryana.

Manjari Nehru Kaul, J.

The appellant is aggrieved against the order dated 31.03.2023 passed by Addl. Sessions Judge, Jind vide which his application for anticipatory bail in case FIR No.420 dated 20.11.2022 under Section 294, 506 IPC, 3(1)(s), 3(2)(va) SC & ST Act registered at Police Station Sadar Narwana was dismissed.

2. Learned counsel for the appellant has contended that the appellant has been falsely implicated in the present case; the FIR was registered against the family of one Bhima, with whom the appellant has no connection whatsoever. It has been argued that false implication of the appellant is evident from the fact that he is neither named in the FIR in question Annexure P-1 nor visible in the alleged CCTV footage. Learned counsel has also asserted that this position is



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further supported by the admission of the investigating officer himself before the learned Trial Court during the hearing of his bail application.

3. It has also been submitted that the investigating agency conceded before the Trial Court that the arrest of the appellant/accused was not required. The sole evidence sought from the appellant was his voice sample, which learned counsel submits that the appellant is willing to provide as and when required. Moreover, it has also been submitted that no notice has yet been issued by the investigating agency regarding the collection of the voice sample.

4. Learned counsel for the appellant submits that in compliance of order dated 19.04.2023, appellant has joined the investigation and cooperated with the investigating officer.

4. Learned State counsel, on instructions, has not disputed the submission made by learned counsel for the appellant. Learned State counsel has further submitted that the appellant is not required for custodial interrogation.

5. In view of the above, present appeal is allowed and interim order dated 19.04.2023 is made absolute subject to the conditions as envisaged in Section 438(2) Cr.PC/482(2) of BNSS.

03.12.2024
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(MANJARI NEHRU KAUL)
JUDGE

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