



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

252

CRA-S-1993-2024

Date of Decision : **July 10, 2024**

HARJIT SINGH ALIAS HARJEET SINGH ALIAS KALA

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rakesh Gupta, Advocate
for the appellant.

Mr. Bhupinder Singh, D.A.G., Haryana.

None for the complainant.

KULDEEP TIWARI, J. (Oral)

1. Through the instant appeal, challenge is thrown to the order dated 14.05.2024, vide which the anticipatory bail application filed by the present appellant, under Section 438 Cr.P.C., has been declined by the learned Additional Sessions Judge, Ambala (Haryana).

2. Learned counsel for the appellant submits that learned Additional Sessions Judge concerned, has not considered any submissions made by the appellant, rather only proceed to dismiss his application. Whereas no offence whatsoever under Section 3(1)(r) of the Schedule Castes and Scheduled Tribes



CRA-S-1993-2024

-2-

(Prevention of Atrocities) Act of 1989, is made out from the bare perusal of the contents of the complaint.

3. On the last date of hearing i.e. 28.05.2024, Mr. Manish Deswal, Advocate had caused appearance and admitted the factum of compromise and therefore, the following order was passed:-

“1. Through the instant appeal, the appellant assails the order dated 14.05.2024, whereby, the learned Additional Sessions Judge, Ambala, has declined to grant him anticipatory bail, in case FIR No.118 dated 20.04.2024, under Sections 323, 34, 506 of the IPC, and, Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) (Section 307 of the IPC, and, Section 25 of the Arms Act deleted subsequently), registered at P.S. Mullana, District Ambala.

2. The learned counsel for the appellant submits that, apart from offence under Section 307 of the IPC becoming deleted from the present FIR during the course of investigation, a compromise has also been arrived at between the parties.

3. Mr. Manish Deswal, Advocate, who records his appearance on behalf of the respondent No.2, under a validly executed Vakalatnama instituted before this Court today, admits the factum of compromise between the parties and extends his ‘No Objection’, in case the appellant is granted the relief of anticipatory bail.

4. The learned State counsel, on instructions imparted to him by the official concerned, has also verified



CRA-S-1993-2024

-3-

that Section 307 of the IPC has already been deleted from the present FIR.

5. *In view of the supervening events, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.*

6. *List on 10.07.2024.”*

4. Today, the learned State counsel on instructions imparted to him by the official concerned, submits that the appellant has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial interrogation.

5. In view of the specific stand taken by the learned State counsel, the present matter is **allowed**, the impugned order dated 14.5.2024 is set aside, and the order dated 28.5.2024 is, hereby, made absolute subject to the condition that the appellant shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

July 10, 2024
ajay-1

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No