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

CRA-S-2022-2024

Date of decision: 22.08.2024

Balbir Singh

....Appellant

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Pratham Sethi, Advocate
for the appellant.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

The present appeal has been filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 seeking setting aside of impugned order dated 17.05.2024 passed by the learned Additional Sessions Judge, Sirsa in anticipatory bail in case bearing FIR No.21 dated 09.05.2024 under Section 10 of the POCSO Act, and Sections 354/354-A/506 of IPC registered at Women Police Station Dabwali, Sirsa, District Dabwali, Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Section 8/12 of the POCSO Act and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 added later on.

On 25.07.2024, the following order was passed:-

'The present appeal has been filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 seeking setting aside of impugned order dated 17.05.2024 passed by the learned Additional Sessions Judge, Sirsa in anticipatory bail in case bearing FIR No.21 dated 09.05.2024 under Section 10 of



the POCSO Act, and Sections 354/354-A/506 of IPC registered at Women Police Station Dabwali, Sirsa, District Dabwali, Section 3(2) (v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Section 8/12 of the POCSO Act and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 added later on.

Learned counsel for the appellant inter alia contends that the appellant is serving as a Principal of Government Primary School, Dabwali and he has been falsely implicated in the present case and there are no specific allegation against him. He further submits that the alleged incident had taken place on 01.05.2024, however, the FIR (supra) was registered on 09.05.2024. He further contends that there are no allegations to attract the offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the maximum sentence provided under the all aforementioned offences is upto five years. No notice under Section 41-A of Cr.P.C. was ever served upon the appellant in view of the law laid down by the Hon'ble Supreme Court in 'Satender Kumar Antil Vs. CBI' (2022) 10 SCC 51.

Notice of motion.

On the asking of the Court, Mr. Vikas Bhardwaj, AAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the appellant is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the appellant shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The appellant shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the appellant to join the investigation, the appellant would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the appellant in investigation, in terms of the order of this Court.

Adjourned to 22.08.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court. '

Learned State counsel on instructions from SHO Sheela Devi, at the very outset informs the Court that the appellant has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 25.07.2024 is hereby made absolute. The appellant shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The appeal stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

22.08.2024
Neha

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