



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

252

CRA-S-2255-2024
Date of decision: 04.07.2024

SUMITAppellant

Versus

STATE OF HARYANA AND ANR. ...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Naresh Kumar Ganga, Advocate
for the appellant.

Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. On the last date of hearing, i.e. 12.06.2024, the following order was
passed:-

“Learned counsel for the appellant inter alia submits that the FIR was registered against unknown persons and that the appellant was named by co-accused Anuj who has been released on regular bail. Learned counsel submits that since the FIR was registered against unknown persons, prima facie no case was made out under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short ‘SC and ST Act’). He places reliance upon the judgment of the Hon’ble Supreme Court of India in Prathvi Raj Chauhan Vs. Union of India and others, 2020 (4) SCC, 727.

Notice of motion.

Mr. Amit Aggarwal, DAG., Haryana, accepts notice on behalf of respondent No.1-State and prays for some time to address arguments.

List on 04.07.2024.

Notice be issued to respondent no.2 for the date fixed.

In the meantime, the appellant is directed to appear before the Arresting/Investigating Officer and join investigation. In the event of

arrest, he shall be released on interim bail to the satisfaction of the Arresting/Investigating Officer, subject to compliance of the provisions of Section 438 (2) Cr.P.C. ”

2. Mr. P.S. Jammu, Advocate, appears on behalf of the respondent No.2/complainant, and files his *Memorandum of Appearance*, which is taken on record, and he undertakes to file his duly executed *Vakalatnama* in favour of the complainant, within one week from today, with the Registry of this Court, and he vociferously argued that there are specific allegations against the appellant, and the same relief was asked by the co-accused, which was declined, and subsequently he was granted regular bail.

3. Today, the learned State counsel on instructions imparted to him by HPS Sanjeev Balhora, 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.

4. In view of the specific stand taken by the learned State counsel, the present matter is **allowed**, the impugned order dated 07.06.2024 is set aside, and the order dated 12.06.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

04.07.2024
amandeep

(KULDEEP TIWARI)
JUDGE

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