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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-2287-2024 (O&M)

Date of Decision: 25.07.2024

RAHUL SAINI AND ANOTHER

.. Appellants

Vs.

STATE OF HARYANA AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Sunny Tyagi, Advocate for the appellants.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. Sanjay Kumar Saini, Advocate for respondent No.2.

...

SUMEET GOEL, J. (Oral)

1. This appeal has been filed under Section 14-A of the Scheduled Caste and Scheduled Tribe Act for grant of anticipatory bail to the appellants in FIR No.0381 dated 12.09.2023 registered for offences punishable under Sections 148, 149, 323, 354-B, 506, 325, 201 IPC and Section 3(1)(s) & 3(2)(va) of the Scheduled Castes & Scheduled Tribes Act, 1890 at Police Station Tehsil Camp Panipat, District Panipat.

2. On 25.06.2024, the following order was passed:-

Apprehending his arrest in FIR No.0381 dated 12.09.2023 registered for offences punishable under Sections 148, 149, 323, 354-B, 506, 325, 201 IPC and Section 3(1)(s) & 3(2)(va) of the Scheduled Castes & Scheduled Tribes Act, 1890 at Police Station Tehsil Camp Panipat, District Panipat; the petitioner has preferred this petition under Section 14-A of Scheduled Castes & Scheduled Tribes Act seeking pre-arrest bail.

Inter alia contends that the name of the appellants has surface 18 by way of disclosure statement of a co-accused & the appellants have been falsely implicated into the FIR in

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question, the case of the appellants is on better footing than the case of Arvind (co-accused) and Pardeep alias Kala (co-accused) who have been extended the concession of anticipatory bail by this Court vide order dated 01.04.2024 passed in CRA-S-3707-2023 and CRA-S-214-2024.

Notice of motion.

On asking of the Court, Ms. Dimple Jain, DAG, Haryana appears and accepts notice on behalf of the respondent-State.

Adjourned to 09.07.2024.

The appellants are directed to appear before the Investigating Officer on 28.06.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the appellants shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the appellants shall join the investigation. He shall abide by the condition(s) enumerated under Section 488(2) of the Cr.P.C.”

3. Learned State counsel, on instructions from DSP Krishan Kumar, has stated that pursuant to the order dated 25.06.2024 the appellants have joined investigation and are no longer required for custodial interrogation.

4. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail on the ground that the allegations made against the appellants are serious in nature & hence he ought not to be granted the concession of pre arrest bail. Learned counsel has further argued that appellants were part of the unlawful assembly and have also participated in assaulting the complainant-side.

5. In view of above, the appeal is allowed and interim order dated 25.06.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. This order should not be treated as “blanket” order. It will not be interpreted as granting appellants indefinite protection from arrest. It



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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 violate any condition stipulated under Section 438(2) Cr.P.C., 1973 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.

9. Pending applications, if any, shall also stand disposed off.

25.07.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No