

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRA-S-2378-2024 (O&M)
Date of Decision: 13.11.2024

NIRMAL

...Appellant

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

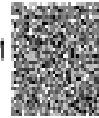
Present:- Mr. Ramesh Hooda, Advocate
for the appellant.

Mr. Amrik Singh Narwal, DAG, Haryana.

HARPREET KAUR JEEWAN, J.

1. The present appeal has been filed impugning the order dated 21.06.2024, whereby the application for grant of anticipatory bail to the appellant in FIR No.102 dated 01.12.2023 under Sections 354A, 376, 365, 120-B, 506, 34 IPC and Section 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 registered at Police Station Women, Rohtak has been dismissed by the Additional Sessions Judge/Vacation Judge, Rohtak.
2. On 20.08.2024, this Court passed the following order and directed the appellant to join the investigation:

'Learned counsel for the appellant contends that on 30.11.2023 at about 10 p.m., the co-accused of the appellant namely Swar along with his friends have forcibly taken the prosecutrix to a hotel in



Rohtak. The co-accused of the appellant-Swar is alleged to have committed rape upon the prosecutrix and also threatened to kill her. The appellant is only alleged to have accompanied the co-accused in the whole incident. He further contends that the case does not fall under any of the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 as per the contents mentioned in the FIR.

Learned State counsel on instructions from ASI Ravinder has informed that the main accused-Swar has already been arrested and he has been granted regular bail by the trial Court. There are total 5 accused and 3 accused have been arrested. He has further informed that the age of the victim is 24 years.

Vide order dated 30.07.2024 passed by this Court, notice was ordered to be issued to respondent No.2.

As per the office report, notice issued to respondent No.2 has been received with the report that she is not residing at the given address. Her brother has been contacted telephonically and he has submitted that she has shifted near Narwana village and copy of the notice has been sent to his mobile number through whatsapp.

There is no representation on behalf of the respondent No.2.

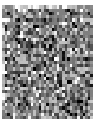
Adjourned to 13.11.2024.'

3. Learned State counsel on instructions from SI Urmila has informed that the appellant has joined the investigation and his custodial interrogation is not required. He has further informed that co-accused of the appellant has already been granted concession of regular bail by the trial Court.

4. I have heard the aforesaid submissions and perused the relevant documents.

5. In view of the aforesaid facts and the reasons recorded in the order dated 20.08.2024 and keeping in view the fact that the appellant has joined the investigation; his custodial interrogation is not required and the allegations and counter-allegations between the appellant and the complainant are matter of trial, the present appeal is allowed.

6. The impugned order dated 21.06.2024 passed by the Additional Sessions Judge/Vacation Judge, Rohtak is set aside and the order dated 20.08.2024 granting interim bail to the appellant is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.



7. It is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
8. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

13.11.2024

P.Bhatt	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No