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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-S-1897-2023
Date of Decision :21.11.2024

DEEPAK ALIAS DEEPAK YADAV AND OTHERS

... Appellants

Versus

STATE OF HARYANA & OTHERS

... Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Ms. Deepika, Advocate for
Mr. Sandeep Kumar Yadav, Advocate for the appellants.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

Instant appeal has been preferred against the order dated 05.07.2023 passed by Additional Sessions Judge, Narnaul, whereby the anticipatory bail of the appellants have been declined in case FIR No. 4 dated 09.01.2023, under Sections 148, 149, 323, 325, 452, 506/34 IPC, and Section 3 of SC and ST Act, Police Station Ateli, District Narnaul.

2. Mr. Mukesh Yadav, Advocate has put in appearance on behalf of respondent No.2 to 4 and filed Vakalatnama on behalf of respondent No. 3 and 4 and Memo of Appearance on behalf of respondents No. 2. The same are taken on record.

3. Learned counsel for the appellants has submitted that in compliance of the order dated 17.07.2023, appellants have joined the investigation.

4. Learned State counsel has also not disputed the fact that the appellants have joined the investigation on 06.08.2024, as such are not required for further investigation.

5. Learned counsel for the respondents No.2 to 4 has opposed the bail petition by submitting that considering the heinous nature of the crime, appellants do not deserve concession of bail and prays for dismissal of the appeal.

6. Heard learned counsel for the parties.

7. During the course of the proceedings following orders were passed on 17.07.2023:-

“ Challenge is to the order dated 05.07.2023 passed by the learned Additional Sessions Judge, Narnaul, whereby the anticipatory bail has been declined to the appellants, in case bearing FIR No. 04 dated 09.01.2023, registered under Sections 148, 149, 323, 325, 452, 506, 34 IPC and Section 3 of the SC/ST Act, at Police Station Ateli, District Mahendergarh.

Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case; that complainant-Sanjay has purchased a plot from Manisha wife of Yashpal on 04.01.2023, whereas the FIR No.3 dated 08.01.2023 under Sections 148, 149, 323, 506, 325, 452, 307, 120-B 216 IPC and Section 25 of the Arms Act, was registered on the complaint of appellant No.2-Vijay Singh against the complainant and other accused persons, who have forcibly taken the possession of the plot which was having a boundary wall also; that appellant No.4-Attar Singh, has also suffered fractures and appellant No.3-Dharampal has also received injuries; that whereas present FIR in question is concerned, no specific role has been attributed to the appellants, as far as the allegation of casteist remarks are concerned, nowhere it is mentioned by



the complainant that the appellants knew that the complainant and other victims belong to SC/ST category.

Notice of motion for 11.09.2023.

Meanwhile, the appellants are directed to join the investigation and if they are sought to be arrested, they shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police”

8. As is evident from the above submissions that the appellants have joined the investigation in compliance with the aforesaid order and is not required for further investigation. Therefore, the interim bail granted to the appellants vide order dated 17.07.2023 is hereby confirmed, subject to appellants abide by conditions as envisaged under Section 482(2) BNSS. Further, they will not tamper with the evidence nor will influence the witnesses; shall cooperate with the investigation as and when so required.

9. The impugned order dated 05.07.2023 passed by learned Additional Sessions Judge, Narnaul is hereby set aside and the appeal stands allowed.

10. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

21.11.2024

Gyan

i)

Whether speaking/reasoned?

Yes/No

ii)

Whether reportable?

Yes/No