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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-2763-2024 (O&M)
Date of decision: 13.09.2024

Surender Kumar

... Appellant

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

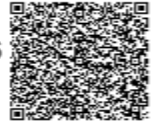
Present: Mr. Manish Mehta, Advocate
for the appellant.

Mr. Vikas Bhardwaj, AAG, Haryana.

None for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. Present appeal has been preferred against the order dated 08.08.2024 passed by learned Additional Sessions Judge, Narnaul, in FIR No.187 dated 22.04.2024 under Sections 323, 354, 452, 506, 34 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 3(1)(s) & 3(1)(w) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short 'SC&ST Act'), as amended in the year 2015, registered at Police Station City Narnaul, District Mahendergarh, vide which application filed by



the appellant for grant of anticipatory bail has been dismissed.

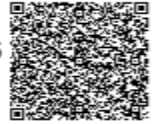
2. On 13.08.2024, the following order was passed:-

“Instant appeal is preferred against the order dated 08.08.2024 passed by learned Additional Sessions Judge, Narnaul, in FIR No.187 dated 22.04.2024 under Sections 323, 354, 452, 506, 34 of the Indian Penal Code, 1860 (for short ‘IPC’) and Sections 3(1)(s) & 3(1)(w) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short ‘SC&ST Act’), as amended in the year 2015, registered at Police Station City Narnaul, District Mahendergarh, vide which application filed by the petitioner for grant of anticipatory bail has been dismissed.

*Learned counsel for the appellant, inter alia, contends that no offence under the provisions of SC&ST Act is made out. The alleged incident has not occurred in the public place and initially, when the police was called at the spot, it was reported that the complainant had a fight with co-accused Atish and all the injuries suffered by the witnesses are simple in nature. Similarly situated co-accused, namely Satish Yadav, has already been protected by this Court vide order dated 08.08.2024 passed in CRA-S-2399-2024. Reliance has been placed upon judgment of the Hon’ble Apex Court in **Prathvi Raj Chauhan Vs. Union of India and others, 2020 AIR Supreme Court 1036**, wherein it has been held that there is no bar in granting bail, if prima facie, no case under SC&ST Act is made out.*

Notice of motion for 13.09.2024.

Keeping in view the ratio of law enunciated by the



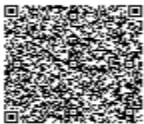
Hon'ble Supreme Court in Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565, the appellant is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the appellant shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the appellant shall co-operate in the investigation.

If the arresting officer does not permit the appellant to join the investigation, he would appear before the learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the appellant in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law."

3. Learned State counsel, on instructions from Inspector Parveen Malik, at the very outset, informs the Court that the appellant has joined the investigation and his custodial interrogation is not required.

4. Despite service, no one has put in appearance on behalf of respondent No.2-complainant.



5. In view of the above, present appeal is allowed and the impugned order dated 08.08.2024 passed by learned Additional Sessions Judge, Narnaul, dismissing the anticipatory bail application of the appellant, is set aside and the order dated 13.08.2024 passed by this Court, granting interim anticipatory bail to him, is hereby made absolute. The appellant will abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

13.09.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No