



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRA-S-2762-2024

Date of Decision : **September 04, 2024**

GURDARSHAN SINGH

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. S.S.Jattan, Advocate
for the appellant.

Mr. Bhupender Singh, D.A.G., Haryana.

Mr. Manish Deswal, Advocate
for the complainant.

KULDEEP TIWARI, J. (Oral)

1. Through the instant appeal, challenge is thrown to the order dated 1.08.2024, vide which the anticipatory bail application filed by the present appellant, under Section 438 Cr.P.C., has been declined by the learned Additional Sessions Judge, Ambala (Haryana).

2. Learned counsel for the appellant submits that learned Additional Sessions Judge concerned, has not considered any submissions made by the appellant, rather only proceed to dismiss his application. Whereas no offence whatsoever under Section 3(1)(r) of the Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989, is made out from the bare perusal of the contents of the complaint.



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3. On the last date of hearing i.e. 29.8.2024, Mr. Manish Deswal, Advocate had caused appearance and admitted the factum of compromise and therefore, the following order was passed:-

“Mr. Manish Deswal, Advocate has filed memo of appearance on behalf of respondent No.2. He is permitted to file duly executed Vakalatnama in his favour with the Registry of this Court within 10 days from today.

Learned counsel for the appellant submits that infact the matter has been amicably settled between the parties concerned. He further submits that main accused, namely, Harjit Singh @ Harjeet Singh @ Kala has already been granted the relief of pre-arrest bail by this Court.

On the other hand, the learned counsel for respondent No.2 has admitted the factum of compromise.

In the meanwhile, in the event of arrest, the appellant shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The appellant shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 438(2) of the Cr.P.C.

Adjourned to 4.9.2024.”

4. Today, the learned State counsel on instructions imparted to him by the official concerned, 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.

5. In view of the specific stand taken by the learned State counsel, the present matter is **allowed**, the impugned order dated 1.8.2024 is set aside,

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and the order dated 29.8.2024 is, hereby, made absolute subject to the condition that the appellant shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

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(KULDEEP TIWARI)
JUDGE

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