



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRA-S-2376-2023
Date of decision: May 07, 2024

ANKIT

.....Appellant

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ankit Bishnoi, Advocate
for the appellant.

Mr. Rajesh Gaur, Additional Advocate General, Haryana
with ASI Jaiveer.

MANJARI NEHRU KAUL, J. (ORAL)

1. Through the instant appeal, the appellant is impugning the order dated 17.08.2023 passed by learned Additional Sessions Judge, Sirsa, vide which application seeking anticipatory bail by the appellant in case bearing FIR No.309 dated 28.07.2023, registered at Police Station Sadar Dabwali, under Sections 294 and 506 IPC and Section 3(1)(r), 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been dismissed.
2. Vide order dated 04.09.2023, while issuing notice of motion, the appellant had been granted interim anticipatory bail by a Coordinate Bench of this Court, with direction to join investigation and the relevant part of the said order reads as under:-

“Learned counsel for the appellant contends that the appellant lent money to the complainant and that when the complainant was asked to return the same, the petitioner has been falsely implicated in the present case. It is further submitted that even as per the FIR,



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the alleged occurrence took place inside the house of the complainant, but not in the public view; that the prosecution has introduced one Leelu Ram alias Mithu Ram before whom the appellant had allegedly uttered casteist remarks to the complainant, but aforesaid Leelu Ram alias Mithu Ram has sworn an affidavit dated 19.08.2023 (Annexure A-2) deposing that he had no knowledge about the incident as alleged in the FIR and that he had neither seen nor heard of the alleged incident. It is further submitted that no recovery is to be effected from the appellant and that the allegations qua uttering casteist slurs on mobile by the appellant to the complainant, are false and that moreso, the appellant is ready to give his voice sample to the investigating agency.”

3. Learned counsel for the appellant submits that in compliance of order dated 04.09.2023, the appellant has joined investigation and cooperated with the investigating agency.
4. Learned State counsel, on instructions, has not disputed the submissions made by the counsel opposite that in compliance of the order dated 04.09.2023, the appellant has joined investigation and cooperated with the investigating agency. It has been further submitted by the learned State counsel, on instructions, that the appellant is not required for further investigation, much less for his custodial interrogation.
5. As per the office report, service stands effected upon respondent No.2-complainant, however, none has entered appearance on his behalf.
6. In view of the above, the appeal is allowed, and interim order dated 04.09.2023 is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

May 07, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
 Whether reportable : Yes/No