



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

254

CRA-S-2401-2023

Date of decision: July 22nd, 2024

Rohtash Singh

.....Appellant

Versus

State of UT Chandigarh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Nitin Sharma, Advocate
for the appellant.

Ms. Vasundhara Dalal, Additional Public Prosecutor,
U.T. Chandigarh.

Mr. Vikas Sharma, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

The appellant is impugning the order dated 21.08.2023 passed by learned Additional Sessions Judge, Chandigarh, whereby his petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.120 dated 19.07.2023 under Sections 3 (1) (xv) of the SC/ST Act registered at Police Station Sector 31, UT Chandigarh, has been dismissed.

2. Vide order dated 20.11.2023, the appellant had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Learned counsel for the appellant, inter alia, contends that he has been falsely implicated in the instant case for allegedly levelling false allegations, passing lewd remarks against the complainant and subsequently, getting his Government

accommodation cancelled. It has been argued that there is an unexplained delay in the lodging of the instant FIR as even as per the prosecution version, the date of alleged occurrence is stated to be 25.05.2023, whereas the FIR in question was lodged only on 19.07.2023. Furthermore, while drawing the attention of this Court to an application dated 11.05.2022 (Annexure A-2), learned counsel has asserted that it was a matter of record that the appellant was a whistle-blower, who had helped in unearthing a recruitment scam of CSBO Grade-II, in which the present complainant was named as the prime accused. It has been submitted that an application had also been moved by the appellant seeking protection much prior in time to the registration of the FIR and it was clearly discernible that the present case was only a counterblast to the application, which had been filed by the appellant seeking his protection at the hands of the complainant.”

3. Learned counsel for the appellant submits that in compliance of order dated 20.11.2023, the appellant has joined investigation and cooperated with the investigating agency. It has been brought to the notice of this Court that previously also, identical complaint had been filed by the complainant against the appellant and there was a categoric finding of the D.S.P. (Central), Chandigarh, that the appellant was innocent.

4. Learned counsel for U.T., on instructions, does not dispute the factum of the appellant having joined investigation and cooperated with the investigating agency. She, on further instructions, submits that the appellant is not required for further investigation much less for his custodial interrogation.

5. Be that as it may, since the appellant is not required for his custodial interrogation, the appeal is allowed and interim order dated 20.11.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

July 22nd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No