

**CRA-S-3000-2024****1**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRA-S-3000-2024****Date of Decision :25.11.2024****NITISH @ NIKU**

.....Appellant(s)

VERSUS**STATE OF HARYANA AND ANOTHER**

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**Present :** Mr. Amrit Singh Kang, Advocate,
for the appellant(s).

Mr. Abhinash Jain, DAG, Haryana.

Mr. Ram Pal Verma, Advocate,
for the respondent no.2.**KULDEEP TIWARI, J.(Oral)**

1. On 12.09.2024, this Court had passed the hereinafter
extracted order, upon the instant appeal:-

“1. In his assailing the order dated 02.07.2024, whereby, appellant’s anticipatory bail application has been dismissed by the learned Additional Sessions Judge concerned, and, beseeching the relief of anticipatory bail for the appellant, in case FIR No.254 dated 01.05.2024, under Sections 384/34 of the IPC, and, Section 3(2)(ii) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989 (Amendment 2015), registered at P.S. Hansi City, the learned counsel for the appellant submits that since the appellant himself belongs to Scheduled Caste Community, as is evident from his Scheduled Caste Certificate (Annexure A-2), therefore, the statutory bar for granting him anticipatory bail does not get in the way.

2. The learned counsel for the appellant further submits that, since appellant’s co-accused Pooja @ Pooja Devi has already been granted the concession of interim bail by this Court, vide order dated 03.09.2024 (Annexure A-3), therefore, when the appellant is on a coequal pedestal as his co-accused, hence he also deserves an alike relief.

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3. List on 14.10.2024, along with CRA-S-2638-2024.

4. In the meantime, the appellant is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The appellant shall abide by the terms and conditions as envisaged under Section 482(2) of the B.N.S.S., 2023.”

2. Upon the appellant not joining the investigation, vide order dated 14.10.2024, he was directed to join investigation. Thereafter, again the appellant did not join investigation, however, on request of learned counsel for the appellant, he was again directed, to join investigation subject to costs of Rs.20,000/- to be deposited with the District Legal Services Authority concerned, vide order dated 07.11.2024.

3. Today, the learned State counsel has, on instructions imparted to him by police official concerned, stated that pursuant to the making of the hereinabove extracted order, the appellant(s) had joined investigation and he is no longer required for custodial interrogation.

4. Learned counsel for the appellant submits that the appellant has also deposited the costs of Rs.20,000/-, as directed, for which he has produced a copy of receipt.

5. In view of the above, impugned order dated 02.07.2024, is hereby **set aside**, and the hereinabove extracted interim order dated 12.09.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

- “(i) the appellant(s) shall not commit an offence similar to the present offence;
- (ii) the appellant(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

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(iii) the appellant(s) shall make himself/herself available for interrogation by a police officer as and when required.”

6. This order should not be treated as “blanket” order. It will not be read granting appellant(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

7. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

8. All pending application(s), if any, also stand **disposed** of accordingly.

November 25, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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