



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

CRA-S-3028-2024

Date of Decision : 16.10.2024

VANDANA

.....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. Bhupender Singh, DAG, Haryana.

Mr. Ram Pal Verma, Advocate,
for the respondent no.2.

KULDEEP TIWARI, J.(Oral)

1. Through the instant appeal, the appellant challenges the order dated 26.06.2024, whereby, the learned Additional Sessions Judge-cumVacation Judge, Hisar, has declined to grant her anticipatory bail, in FIR No.254 dated 01.05.2024, under Sections 384/34 of the IPC, and, Sections 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, District Hansi (Hisar).
2. On 19.09.2024, this Court had passed the hereinafter extracted order, upon the instant appeal:-

“Mr. Ram Pal Verma, Advocate, has caused appearance on behalf of respondent no.2, through a validly executed power of attorney in his favour. The same is taken on record.

In deference to the directions issued by this Court vide last order dated 09.09.2024, a reply, dated 16.09.2024, by way of an affidavit of Sh.Sanjay Kumar, DSP, HQ, Hansi, has been filed, by the learned State counsel today in Court, which is taken on record, with a copy thereof supplied to learned counsel for the appellant.

Learned counsel for the appellant in asked for the relief of pre-arrest bail submits that though the appellant has been named in the instant FIR, but no role has been assigned to her, and she is not even beneficiary of any money which has been extorted from the complainant.

Whether, any offence under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is made out from the allegations levelled in the instant FIR, or not, is a disputed question of facts, which is required to be proved by the prosecution, by adduction of evidence. However, prima facie this Court is satisfied that the offence under the provisions of the Act of 1989, is not made out against the present appellant.

In view of the above, the appellant is directed to join the investigation and on his doing so, the appellant be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the appellant shall continue to join the investigation as and when called upon to do so, and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Adjourned to 16.10.2024.”

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

4. In view of the above, impugned order dated 26.06.2024, is hereby, **set aside**, and the hereinabove extracted interim order dated 19.09.2024, 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;
- (iii) the appellant(s) shall make himself/herself available for interrogation by a police officer as and when required.”

5. 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.

6. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.
7. All pending application(s), if any, also stand **disposed** of accordingly.

October 16, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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