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

CRA-S-3065-2024 (O&M)

Date of Decision:- 18.10.2024

KRISHMA MALHOTRA ALIAS KARISHMA MALHOTRA

....Appellant.

Vs.

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

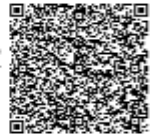
Present:- Mr. Raman Chawla, Advocate for the appellant.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

AMARJOT BHATTI, J. (Oral)

1. Appellant – Krishma Malhotra @ Karishma Malhotra has filed the instant appeal against impugned order dated 05.09.2024 whereby learned Additional Sessions Judge, Hisar dismissed the anticipatory bail application filed by the appellant in FIR No.718 dated 25.08.2023 under Sections 109, 323, 506 of IPC and Section 3 (1) (s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short ' SC/ST Act') Police Station City Hisar, District Hisar.

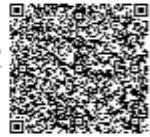
2. As per facts of the case, Vijay @ Munna gave his statement to the police that on 25.08.2023 at about 11.34 am, Baldev (police personnel) called Pardeep Bhan Khand on his mobile phone and asked him to come in his Spa Centre for amicable settlement of the matter with Rajat and Nishant. He along with his friend Pardeep reached there where H.C. Baldev was present. HC Baldev told them to go upstairs in the Spa Centre but they refused. In the meantime, Rajat also came there on his scooty and



went upstairs whereas they were sitting in *varandah* and were talking about the deal with Baldev when Baldev called a girl from his Spa Centre. Said girl abused him and called by naming his caste and she also assaulted him. Baldev instigated the said girl to hit him and also threatened to kill him. With these allegations, present FIR has been registered.

3. Learned counsel for appellant argued that all allegations levelled against her are false. Earlier on the complaint of Krishma Malhotra against Pardeep and Munna, FIR No.717 dated 25.08.2023 was registered under Sections 294 and 509 of IPC, Police Station Hisar City (Annexure A-2). It is a case of version and cross-version. In order to put pressure on the appellant, a false FIR has been registered subsequently. Co-accused Baldev has been granted bail vide order dated 13.08.2024 by the Court of Additional Sessions Judge, Hisar. Complainant is taking undue benefit of his caste. No offence under the provisions of SC/ST Act is made out. She is ready to join investigation and abide by the terms of conditions of bail. Therefore, impugned order dated 05.09.2024 passed by learned Additional Sessions Judge is not on sound footing and the same is liable to be set aside by accepting the present appeal and appellant may be granted anticipatory bail.

4. Appeal is opposed by learned counsel representing State. Detailed status report has been filed. There are specific serious allegations against the appellant – Krishma Malhotra who abused the complainant by naming caste and also slapped him and gave beating. Instant appeal of present appellant is on different footing. She is also involved in another FIR in which quashing petition is pending. Appellant is required to join investigation, therefore, criminal appeal preferred by appellant against



impugned order dated 05.09.2024 may be set aside.

5. I have considered the arguments and have gone through the impugned order. Contents of FIR indicate that main allegations for giving beating and abusing the complainant by naming caste are attributed to the present appellant. So far as Baldev is concerned, his bail application is on different footing. He is not attributed with abuses naming caste of the complainant. Facts of the case indicate that occurrence took place when complainant along with his friend Pardeep were sitting in the *varandah* where Baldev came along with the present appellant who started beating the complainant and abused him by naming caste. As per Section 18 of SC/ST Act, Section 438 of Cr.P.C. is not applicable in relation to any case involving the arrest of any person on an acquisition of having committed an offence under this Act. Learned Additional Sessions Judge while passing impugned order dated 05.09.2024 has carefully considered the allegations as well as the provisions of SC/ST Act. Therefore, order passed by learned ASJ, Hisar dated 05.09.2024 dismissing the anticipatory bail application does not require any interference and the same is, accordingly, upheld and appeal preferred by the appellant Krishma Malhotra @ Karishma Malhotra is, accordingly, dismissed.

6. Pending application (s), if any, also stands disposed of.

18.10.2024

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Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No

(AMARJOT BHATTI)
JUDGE