



IN THE HIGH COURT OF PUNJAB AND HARYANA, AT CHANDIGARH
253

CRA-S-2695 of 2023 (O&M)

Date of decision : May 9th, 2024

Sunder Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Aditya Jain, Advocate, Mr. Rahul Vohra, Advocate and
Mr. Yatin Mehta, Advocate
for the appellant.

Ms. Deepshikha Chauhan, AAG., Haryana.

Mr. Pankaj Jain, Advocate
for respondent No.2.

Manjari Nehru Kaul, J (oral).

1. Petitioner is seeking the concession of anticipatory bail against the judgment passed by learned Addl. Sessions Judge, Gurugram vide order dated 18.09.2023 filed under Section 438 of the Code of Criminal Procedure, 1973 in case FIR No. 201 dated 22.07.2023 under Sections 506 IPC, 1860 and Section 3 (1) (f), 3 (1) (r), 3 (1) (s) of the Scheduled Castes and scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Sector 56, Gurugram whereby his application for anticipatory bail has been dismissed.

2. Learned counsel for the petitioner submits that it is a matter of record that a civil dispute is pending between the parties and it was in the aforementioned background an exaggerated version had been brought forth by the complainant alleging that he had indulged in casteist utterances; learned counsel for the petitioner submits that even assuming for the sake of the arguments, though not conceded, that as alleged he had indeed indulged in casteist utterances it was not



the case of the complainant that those utterances had been made within the public view.

Learned State counsel assisted by learned counsel for the complainant submit that there are serious allegations against the petitioner of having used foul language against the complainant for which he does not deserve the concession of bail.

Vide order dated 21.09.2023 the petitioner had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Notice of motion.

Mr. Krishan Kumar Chahal, Additional Advocate General, Haryana accepts notice on behalf of the non-applicant/respondent and seeks time to address arguments.

Adjourned to 04.12.2023.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of the arresting/Investigating Officer. However, the petitioner shall 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.”

Learned State counsel, on instructions does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.



In view of the above, the petition is allowed and interim order dated 21.09.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

May 9th, 2024
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No