

CRA-S-3098-2024
Date of decision: 04.11.2024

...APPELLANTS

...RESPONDENTS

The present appeal has been filed against the judgment/order dated 21.08.2024, whereby, the anticipatory bail in case bearing FIR No.308 dated 21.04.2024 under Sections 363/366-A/323/511/506/34 of IPC later on added offence under Section 4 of POCSO Act and Section 3(2)(V)



of SC/ST Act lodged at Police Station City, Karnal has been dismissed.

Learned counsel for the appellants inter alia contends that the complainant is the tenant of the maternal uncle of the appellants who is the father of the main accused and the appellants have been falsely implicated in the present case as they are the brother and sister-in-law of the main accused. He further submits that the factual ingredients to constitute an offence under the SC/ST Act are not available on record. Further, there is ongoing dispute between the complainant and maternal uncle of the appellants.

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana who is present in Court, accepts notice on behalf of the respondent-State.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833, at the first instance, the appellants are directed to appear before the Investigating Officer within two weeks from today and on their doing so or in the event of arrest, the appellants shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The appellants shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

If the Investigating/Arresting Officer does not permit the appellants to join the investigation, the appellants would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the appellants in investigation, in terms of the order of this Court.

Adjourned to 16.10.2024.



Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”

4. Learned State counsel, on instructions from ASI Raja Ram, submits that in compliance of order dated 12.09.2024 passed by this Court, the appellants have joined the investigation and are not required for further custodial interrogation.
5. Keeping in view the statement made by learned State Counsel, the order dated 12.09.2024, is made absolute. The appellants shall abide by the terms and conditions enumerated in Section 438 (2) Cr.P.C./482(2) B.N.S.S.
6. The appeal is accordingly disposed of.
7. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

November 04, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No