

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-2891-2023 (O&M)
Date of Decision:10.01.2024

Kuldeep ...Appellant

vs.

State of Haryana and Others ...Respondents

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Inderjeet Singh, Advocate
for the appellant (Through V.C)

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

Mr. Ajay Chauhan, Advocate with
Mr. Diwan S. Adlakha, Advocate
for respondents No.2 and 3.

N.S.Shekhawat J. (Oral)

1. The appellant has filed the present appeal under Section 14-A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short `SC & ST Act`) against the order dated 27.09.2023 passed by the Additional Sessions Judge, Yamuna Nagar, whereby anticipatory bail application of the present appellant was dismissed in a case arising out of FIR No.227 dated 05.09.2023 registered under Sections 148/149/323/325/506 IPC and Section 3(1)(x) of the SC & ST Act at Police Station, Sadhaura, Yamuna Nagar.

2. While granting the concession of interim anticipatory bail by this Court vide order dated 09.10.2023, this Court had noticed the following submissions:-

“Learned counsel for the appellant contends that most of the

offences in the present appeal are bailable in nature, however, the offence under Section 3 of the SC & ST Act has been added just to make the offence graver. He also submits that from the allegations levelled by the complainant in the present FIR, no offence under Section 3 of the SC & ST Act is made out against the present appellant, as the utterances were not made within the public view”.

3. Learned State counsel submitted that the petitioner has joined the investigation and is no longer required for further investigation in the present case.

4. On the other hand learned counsel appearing on behalf of respondents No.2 and 3 has vehemently opposed the submissions made by learned counsel for the appellant on the ground that the serious allegations have been levelled against the present appellant.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, it would be debatable as to whether the offence under Section 3 of the SC & ST Act is made out against the present appellant or not and the said issue is yet to be adjudicated by the Trial Court. Apart from that, the appellant has already joined the investigation and apparently his custodial interrogation is not required by the State at this stage.

7. In view of the above statement made by learned State counsel, the interim order dated 09.10.2023 is made absolute. The appellant shall continue to join the investigation, as and when called by the Investigating Officer. The appellant shall also abide by the conditions as specified under Section 438 Cr. PC.

(N.S.SHEKHAWAT)
JUDGE

10.01.2024
hitesh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No