



CRA-S-2862-2023 (O&amp;M)

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235 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRA-S-2862-2023 (O&M)  
DATE OF DECISION : 10.05.2024

DALE SINGH AND ANOTHER

... PETITIONERS

V/S

STATE OF HARYANA &amp; ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Raman Chawla, Advocate for the appellants.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

\* \* \* \*

**HARPREET KAUR JEEWAN, J. (ORAL)**

1. This is an appeal against order dated 28.09.2023, whereby an application filed by the appellant seeking anticipatory bail in FIR No. 175 dated 19.08.2022Annexure A-1) under Sections 147, 149, 323, 342, 354-A, 379, 500, 506 IPC and Section 3(I)(za)(C) of Schedule Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (Section 3(1)(r)(s) and 3(2)va of Schedule Caste and Scheduled Tribes (Prevention of Atrocities) Act were added and Section 354A, 379 IPC and 3(I)(za)(C) of Schedule Caste and Scheduled Tribes (Prevention of Atrocities) Act deleted later on), has been dismissed.

2. On 29.11.2023 following order was passed:

“xxxx Learned counsel for the appellants informed that during the pendency of the present appeal, appellant No.1-Dale Singh has been arrested, so he does not press the appeal on his behalf.

3. On request of learned counsel for the appellants, complainant-Munish W/o Sanjay R/o Village Obra, Tehsil

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Loharu, District Bhiwani, is ordered to be impleaded as respondent No.2 in the appeal. Necessary modifications in the memo of parties be made by the Registry.

4. Learned counsel for the appellants submitted that appellant No.2- Manjeet is not named in the FIR (Annexure A-1) and even there are no allegations against appellant No.2-Manjeet. Regarding the offence under Section 3(I)(za)(C) of Schedule Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, appellant No.2-Manjeet was nominated on the basis of disclosure statement of co-accused Jai Bhajwan. Attention was also drawn to the disclosure statement of co-accused Sonu (Annexure A-2/R-1) and disclosure statement of co-accused Ashok Kumar and it was submitted that appellant No.2-Manjeet is not even named by the said co-accused. Appellant No.2-Manjeet is ready to join the investigation. He has a permanent address and is not going to abscond.

5. Learned State counsel has also filed status report by way of affidavit of Sh. Jai Bhagwan, HPS, Deputy Superintendent of Police, Siwani, District Bhiwani, on behalf of respondent-State of Haryana wherein it has been mentioned that appellant No.2-Manjeet was nominated on the basis of a statement of the complainant, which was recorded under Section 161 Cr.P.C. and he has been identified in the CCTV footage and has been named by the other witnesses who were joined during the investigation.

6. Notice of motion.

7. Having received advance copy of the petition, Mr. Kirpal Singh Thakur, AAG, Haryana appears and accepts notice on behalf of the respondent and seeks time to file status report.

8. Adjourned to 19.02.2024.

9. The main accused Sonu has been arrested. In the appeal filed on their behalf, co-accused Arbind @ Mintu and others have also been granted protection vide order dated 30.05.2023 (Annexure P-4).

10. Appellant No.2-Manjeet is directed to join investigation within a period of 7 days and in that event, he shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer.

11. However, the appeal filed on behalf of appellant No.1-Dale Singh stands dismissed having become infructuous.”



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3. Learned counsel for the appellants contends that appellant No.2 has joined the investigation in compliance of the order passed by this Court.

4. Reliance has been placed upon the latest judgments of Hon'ble the Supreme Court in **Prathvi Raj Chauhan Vs. Union of India and others**, reported as 2020(4) SCC 727, and **Hitesh Verma vs. State of Uttarakhand** reported as 2020 (4) RCR (Criminal) 868, to contend that in such like situation, the bar under Sections 18 and 18-A of the Act of 1989 would not apply.

5. Reliance has also been placed upon the judgment of Co-ordinate Bench of this Court in **CRM-30576-M-2002** decided on 01.08.2002 titled as "**Jagir Chand vs. State of Punjab**" as well as in CRM-M-3956-2020 decided on 27.02.2020 titled as "**Baljinder Kaur vs. State of Punjab**" to contend that if the ingredients of the provisions of the Act are not met with, then the bar under Section 18 of the Act of 1989 cannot come in the way of the appellant being granted the concession of anticipatory bail.

6. Learned State counsel, on instructions from ASI Krishan, has also confirmed that appellant No.2 has joined investigation. State counsel further informs that custodial interrogation of appellant No.2 is not required.

7. Appeal qua appellant No.1-Dale Singh has already been rendered infructuous which has been noticed in the previous order dated 29.11.2023.

8. In view of the reasons recorded in the order dated 29.11.2023 and in view the aforesaid facts, the present appeal is allowed and the order of dismissal of bail application on behalf of appellant No.2 dated

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28.09.2023 passed by the learned Addl. Sessions Judge, Bhiwani is set aside and order dated 29.11.2023 granting interim bail to appellant No.2 is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

9. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

**10.05.2024**

Janki

**(HARPREET KAUR JEEWAN)  
JUDGE**

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