



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

252

CRA-S-2466-2022

Date of Decision : **July 25, 2024**

GURMEET SINGH

.....Appellant

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sumit Kumar, Advocate
for the appellant.

Mr. Bhupinder Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (Oral)

1. Through the instant appeal, challenge is thrown to the order dated 16.11.2022, vide which the anticipatory bail application filed by the present appellant, under Section 438 Cr.P.C., has been declined by the learned Additional Sessions Judge, Special Court, Kaithal.

2. Learned counsel for the appellant submits that the learned Additional Sessions Judge concerned, has not considered any submissions made by the appellant, rather only proceed to dismiss his application. Whereas no offence whatsoever under Section 3(2)(va) of the Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989, is made out from the bare perusal of the contents of the complaint. He further submits that even the expression used in the complaint regarding caste does not fall within the purview of the SC/ST Act.

3. In pursuance of the directions issued by this Court vide order dated 23.5.2024, the appellant has joined the investigation.

4. Today, the learned State counsel on instructions imparted to him by the official concerned, submits that the appellant has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial interrogation.

5. In view of the specific stand taken by the learned State counsel, the present matter is **allowed**, the impugned order dated 16.11.2022 passed by the learned Additional Sessions Judge concerned declining the relief of pre-arrest bail is, hereby, set aside, and the order dated 23.5.2024 is, hereby, made absolute subject to the condition that the appellant shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

July 25, 2024
ajay-1

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No