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CRA-S-3372-2024

2024 PHHC 158452



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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-S-3372-2024
Date of decision: 29.11.2024

DIPENDER ALIAS DIMPI

....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

....Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Imtiyaz Hussain, Advocate for the appellant.

Mr. Surender Singh, AAG, Haryana.

Mr. Sanjeev Kumar, Advocate for the complainant.

.....

SANJIV BERRY, J. (ORAL)

By way of instant appeal, the appellant has assailed the impugned order dated 26.09.2024 passed by learned Additional Sessions Judge, Palwal in case bearing No. CIS No.BA-1852-2024, titled as 'Dipender @ Dimpy vs. State of Haryana' in case FIR No.203 dated 25.07.2024 under Sections 115, 117(1), 190, 191(3), 351 (2) BNS and 3(2) (va) SC/ST Act registered at Police Station Sadar Palwal, whereby an application preferred under Section 482 of the BNSS moved by appellant had been dismissed.

2. Heard.

3. Learned counsel for the appellant contends that appellant is innocent and has been falsely implicated in this case. He contends that vide



order dated 06.11.2024, the appellant had been directed to join investigation and granted interim bail. He submits that in pursuance to the aforesaid order, the appellant has joined the investigation.

4. Learned State counsel, on instructions from DSP Narinder Kumar intimates the Court that the appellant has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

5. During the course of hearing on 06.11.2024, following order was passed: -

“ Mr. Ravi Malik, Advocate has put in appearance on behalf of the respondent No.2 and filed his power of attorney. Same is taken on record.

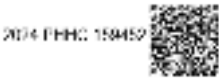
Status report dated 05.11.2024 filed in the form of an affidavit of Deputy Superintendent of Police, Palwal, District Palwal is taken on record. Copy thereof has been supplied to learned counsel for the appellant.

Heard.

It is inter alia contended by learned counsel for the appellant that the appellant has been falsely implicated in this case. He was neither present at the spot nor uttered any casteist remark. He submits that it is also evident as per para 2 of the status report given by the State that the only casteist remark was attributed to one accused namely Jite. He further submits that the appellant is having no other case registered against him.

Learned State counsel on instructions from SI Imrat Singh has not disputed the factual matrix.

Even otherwise, from the allegations levelled in the FIR no specific overt act is attributed to the appellant. In these circumstances, without commenting on the merits of the case, it is deemed appropriate that the appellant should join the investigation first, before deciding the appeal on merits. Accordingly, appellant is hereby directed to join investigation within seven days from today and co-operate in the same. In the event of the arrest of the appellant, he shall be released on



*interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 482(2) BNSS.
Adjourned 29.11.2024.”*

6. After considering the rival contentions and perusing the record, it transpires that the appellant has been implicated in the instant FIR for having committed offence punishable under 115, 117(1), 190, 191(3), 351 (2) BNS and 3(2) (va) SC/ST Act. At the same time, it is not disputed that the appellant, after having been directed vide order dated 06.11.2024, has joined the investigation. As per learned State counsel, he is not required for further investigation nor he is required for custodial interrogation of the case. This be the case, the interim bail granted to the appellant vide order dated 06.11.2024 is hereby confirmed subject to the conditions as envisaged under Section 482(2) BNSS. The appellant is directed to join investigation as and when required in future also by way of a written notice for such purpose to be served by Investigating Officer of this case; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. With these observations, the impugned order dated 26.09.2024, passed by learned Additional Sessions Judge, Palwal, is set aside and the instant appeal stands allowed.

29.11.2024
puneet

(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |