

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

217

CRA-S-3106-2023

Date of Decision: 29.07.2024

Mehtaab Singh

.... Appellant

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. N.C. Manchanda, Advocate for the appellant.

Ms. Deepshikha Chauhan, AAG, Haryana.

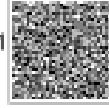
Ms. Anjali Sheoran, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The appellant has preferred the present appeal against the order dated 10.10.2023 passed by the learned Additional Sessions Judge, Special Court, Kaithal, dismissing the application filed by the appellant under Section 438 Cr.P.C., for grant of anticipatory bail in case FIR No. 158 dated 19.09.2023, registered under Section 354-A IPC and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Guhla, District Kaithal.

On 25.10.2023, when this case was listed for hearing, following order was passed by a co-ordinate Bench of this Court:-

“Learned counsel for the appellant contends that even a perusal of the FIR itself does not make out any prima facie case under Section 354A IPC and Section 3(2) & (va) of SC/ST Act, inasmuch as there are only vague allegations and nothing to suggest throughout that any sarcastic remarks has been made by the appellant in public view, which is the sense of legislating the said Act and most essential



ingredients as envisaged under Section 3 of the Act, 1989.

Notice of motion.

On the asking of the Court, Mr. Vipul Sherwal, AAG, Haryana accepts notice on behalf of the respondent-State, who seeks time to get instructions.

In the meantime, the appellant is directed to be released on interim bail in case he joins the investigation on furnishing personal surety/security bonds to the satisfaction of Arresting Officer/Investigating Officer. The appellant will also come present as and when called for and cooperate in investigation and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

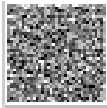
Adjourned to 22.01.2024.”

Learned counsel for the appellant submits that in compliance of the order dated 25.10.2023 the appellant has joined the investigation.

On instructions from Sh. Kuldeep Singh, Deputy Superintendent of Police, Guhla, learned counsel for the State submits that in terms of the order passed by this Court, reproduced above, the appellant has joined the investigation on 16.11.2023 and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

Learned counsel appearing for respondent No. 2-complainant vehemently opposes the prayer for grant of anticipatory bail to the appellant and submits that after the grant of interim bail by a co-ordinate Bench of this Court, the appellant has misused the same and threatened respondent No. 2-complainant. She further submits that the complainant had also filed a complaint in this regard on 22.06.2024 before the Police Station, Siwan.

Learned counsel for the State on instructions informs that till date no written complaint qua the alleged threat perception has been received from respondent No. 2-complainant.



In view of the above, the order dated 25.10.2023 is made absolute.

However, the appellant shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and co-operate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case, at any given point of time hereinafter, it is felt by the investigating agency that the appellant is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

Pending application(s), if any, shall also stand disposed of.

29.07.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**