

**201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRA-S-3144-2023 (O&M)****DATE OF DECISION : 08.02.2024****GAURAV****... APPELLANT****V/S****STATE OF HARYANA AND ANOTHER****... RESPONDENTS****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Manoj Pundir, Advocate with
Mr. Malkeet Singh, Advocate and
Mr. Sheetal Singh, Advocates for the appellant.
Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.
Mr. Sumit Bairagi, Advocate for respondent No.2.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant appeal has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the appellant in case FIR No.109, dated 24.08.2023, under Sections 323, 498A, 506 of IPC and Section 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Women Police Station, Karnal.

2. On 26.10.2023 following order was passed:

“xxxx Learned counsel for the appellant submits that in fact, an inter-caste marriage was performed by the appellant – Gaurav (belonging to BC category), and complainant (belonging to SC category). Said marriage was performed on 15.07.2023, and after that, the disputes have started between both of them. Further submits that by concocting a false version, appellant has been involved in the false case to apply pressure.

3. Learned counsel further submits that though there is bar under Section 18A of the SC/ST Act, regarding maintainability of anticipatory bail petition, but in case the Court finds that the allegations have been levelled with motivated purpose or no offence is made out, prayer for anticipatory bail can be accepted. While submitting so, learned counsel places reliance upon the judgment of the Hon’ble Apex Court rendered in Union of India vs. State of Maharashtra and ors., 2019(4) RCR (Criminal) 828.

4. Notice of motion.

5. On asking of the Court, Mr. Surender Singh Pannu, Addl. AG, Haryana, who is present in the Court, accepts notice for the respondent-State and seeks time to get instructions and to file reply, if any.

Copy of the complete paper book has already been supplied to the learned State counsel.

6. Adjourned to 14.12.2023.

7. In the meanwhile, the appellant is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the appellant shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The appellant shall also abide by all the conditions laid down under Section 438(2), Cr.PC.”

3. Learned counsel for the appellant contends that the appellant has joined the investigation in compliance of the order dated 26.10.2023 passed by this Court.

4. Learned counsel appearing on behalf of the respondent-State has also confirmed that the appellant has joined investigation and his custodial interrogation is not required.

5. In view of the reasons recorded in the order dated 26.10.2023 and keeping in view the fact that the appellant has joined investigation, his custodial interrogation is not required by the Investigating Agency, the present appeal is allowed and the order dated 26.10.2023 granting interim bail to the appellant is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

08.02.2024

Janki

**(HARPREET KAUR JEEWAN)
JUDGE**

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