

225 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRA-S-3148-2023 (O&M)
Date of Decision: 04.01.2024**

SimranAppellant

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. S.S. Sahu, Advocate,
for the appellant.

Mr. Vikram Singh, AAG, Haryana
assisted by ASI Ram Niwas.

MAHABIR SINGH SINDHU. J.

Present appeal has been filed under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “the Act of 1989”) against the impugned order dated 05.10.2023 passed by learned Additional Sessions Judge, Hisar, vide which pre-arrest bail filed by the appellant in FIR No. 928 dated 30.08.2023, under Sections 323, 324 & 506 read with Section 34 IPC and Section 3 of the Act of 1989, registered at Police Station HTM, Hisar was dismissed.

2. Allegations in brief are that on 29.08.2023 accused persons including, appellant formed an unlawful assembly and in prosecution of the common object assaulted complainant and his wife. Co-accused Mohit assaulted the complainant with knife. They also humiliated the complainant on account of his caste and also abused him by uttering castiest remarks.

3. This Court vide order dated 07.11.2023, granted interim bail to appellant and the same reads as under:-

“Status report by way of affidavit of Sajjan Kumar, HPS, Deputy Superintendent of Police, Law and Order, Hisar, dated 06.11.2023 on behalf of the respondent, filed by learned State counsel, is taken on record. Copy thereof supplied to the opposite side.

Registry to tag the same at appropriate place.

Learned counsel for the petitioner submits that from bare reading of the entire status report, there is no allegation against the petitioner.

Faced with the above-said situation, learned counsel for the respondent-State seeks time to have further instructions.

Posted for 04.01.2024.

In the meanwhile, appellant shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The appellant shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

4. Learned counsel on instructions from appellant submits that in pursuance of the aforesaid order, he joined investigation and his custodial interrogation is not required by the Police.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the appellant is not required at this stage.

6. In view of above, present appeal is allowed; impugned order dated 05.10.2023 is set aside. The interim order dated 07.11.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that appellant shall fully co-operate with the Investigating Officer as and when called for further investigation.

8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. Disposed off accordingly.
10. Pending criminal misc. application(s), if any, shall also stand disposed off.

04.01.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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