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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-3150-2023(O&M)
Date of decision: 08.04.2024

Leela Ram ...Appellant

Versus

State of Haryana ...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the appellant.

Mr. Kiran Pal Singh, AAG, Haryana.

Mr. Munish Gulati, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present appeal has been preferred under Section 14A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “SC/ST Act”) seeking pre-arrest bail in FIR No.199 dated 25.05.2023 under Sections 420, 447, 506 read with Section 34 of Indian Penal Code, 1860 and Section 3 of SC/ST Act, 1989, registered at Police Station, Chandhuth, District Palwal, Haryana, and for setting aside the impugned order dated 16.10.2023 passed by learned Additional Sessions Judge, Palwal, whereby anticipatory bail of the appellant was declined on the ground of maintainability.

(2) Allegations are that appellant duped the complainant of Rs. 3 lakh; also hurled casteist remarks and threatened to kill the complainant.

(3) There is no representation on behalf of the appellant.

(4) Learned State counsel on instructions from quarter concerned has apprised the Court that in terms of order dated 21.11.2023, appellant has joined the investigation and his custodial interrogation is not required.

(5) Learned counsel for the complainant has vehemently opposed the prayer of appellant.

(6) Heard learned counsel for the parties and perused the paper-book.

(7) This Court on 21.11.2023, granted interim bail to the appellant and the order reads as under:-

“ Appellant is stated to be more than 80 years of age.

In such a scenario, learned State counsel seeks time to have further instructions in the matter.

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

(8) Although, learned counsel for complainant objected to the prayer of the appellant, but State is not asking for custodial interrogation, therefore, the objection of complainant is rejected.

(9) Consequently, present appeal is allowed; impugned order dated 16.10.2023 is set aside; and interim order dated 21.11.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

- (10) It is also made clear that appellant shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (11) 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.
- (12) It is clarified that in case of any recurrence on the part of the appellant, the State would be at liberty to move an application for recalling of this order. Also clarified that non-appearance of appellant before learned trial Court shall be construed as misuse of the concession.
- (13) Disposed off accordingly.
- (14) Pending application(s), if any, shall also stand disposed off.

08.04.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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