



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRA-S-3238-2023(O&M)
Date of Decision : 10.09.2024**

MADAN RAM

.....Appellant(s)

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr.A.S. Lamba, Advocate,
for the appellant.

Mr. Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, challenge is thrown to the order dated 13.10.2023, passed by the learned Additional Sessions Judge, Fatehabad, whereby the application for grant of anticipatory bail, in case FIR No.486. Dated 08.09.2023, under Sections 504 and 509 of the IPC and under Section 3(1)(s) of the SC & ST Act, 1989, registered at P.S.Sadar Fatehabad, District Fatehabad, was dismissed.

2. On 06.11.2023, a co-ordinate bench of this Court while issuing notice of motion, and staying the arrest of the appellant, passed the hereinafter extracted order, upon the instant appeal:-

“Learned counsel for the appellant has submitted that the present is an appeal against the order passed by the learned Additional Sessions Judge, Fatehabad dated 13.10.2023 whereby the application for grant of anticipatory bail has been declined. He submitted that the complainant is habitual of filing false complaints and earlier also she had filed a false complaint

and thereafter did not herself support the prosecution version and was declared hostile. He further submitted that the appellant is an RTI Activist and is a whistle blower and had opened up the mismanagement in the MGNREGA Scheme. He further submitted that it was due to this reason that the aforesaid false FIR has been lodged and therefore on the basis of the aforesaid factual position, the bar of Sections 18 and 18A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 will not be applicable to the present case.

Notice of motion.

Mr. Naveen Kumar Sheoran, DAG, Haryana accepts notice on behalf of the State of Haryana.

Adjourned to 14.02.2024.

In the meantime, the arrest of the petitioner shall remain stayed.”

3. Thereafter, this Court vide order dated 22.08.2024, had passed the hereinafter extracted order, while directing the appellant to join investigation:-

“As per the office report, notice issued to respondent no.2, has been received back served, however, no one has caused appearance on his behalf.

Adjourned to 10.09.2024.

Meanwhile, the appellant is directed to join the investigation and on his doing so, the appellant be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the appellant shall continue to join the investigation as and when called upon to do so, and shall abide by the conditions as provided under Section 438(2) Cr.P.C. ”

4. Today, the learned State counsel, on instructions imparted to him by Inspt.Kulwant Singh, stated that pursuant to the making of the hereinabove extracted order, the appellant(s) had joined investigation and he is no longer required for custodial interrogation.

5. In view of the above, the instant appeal is **allowed**, and the impugned order dated 13.10.2023, is hereby **set aside**. Consequently, the

hereinabove extracted interim order dated 22.08.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

- “(i) the petitioner(s) shall not commit an offence similar to the present offence;
- (ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

6. This order should not be treated as “blanket” order. It will not be read granting appellant(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

7. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

8. All pending application(s), if any, stand **disposed** of accordingly.

September 10, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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