

**CRA-S-3459-2024****1**

204

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRA-S-3459-2024****Date of Decision :25.11.2024****VIKAS CHAUHAN**

.....Appellant(s)

VERSUS**STATE OF HARYANA AND ANOTHER**

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sachin Mankash, Advocate for
Mr. Prabhat Gupta. Advocate,
for the appellant(s).

Mr. Abhinash Jain, DAG, Haryana.

Mr. Mohit Garg, Advocate,
for the respondent no.2.

KULDEEP TIWARI, J.(Oral)

1. On 22.10.2024, this Court had passed the hereinafter
extracted order, upon the instant appeal:-

1. Through the instant appeal, the appellant assails the order dated 11.10.2024, whereby, the learned Additional Sessions Judge, Hisar, has declined to grant him anticipatory bail, in case FIR No.472 dated 03.10.2024, under Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015), and, Sections 3(5), 316(2), 351(3) of the B.N.S., 2023, registered at P.S. Hisar City, District Hisar.

2. The learned counsel for the appellant inter alia submits that, in fact, a civil dispute has been camouflaged as a criminal offence. He further submits that, when the appellant and the complainant had been working as Directors in the same firm since 2016, therefore, there does not arise any question that the appellant had any ill-will against the complainant because of his caste.

3. Notice of motion.

4. Mr. Rajesh Gaur, Addl. A.G., Haryana, waives service of notice on behalf of the respondent No.1-State.

5. Mr. Mohit Garg, Advocate, who records his appearance on behalf of the respondent No.2, under a validly executed Vakalatnama



CRA-S-3459-2024

2

instituted before this Court today, waives service of notice on behalf of the respondent concerned and opposes the grant of anticipatory bail to the appellant.

6. *Prima facie*, this Court is of the view that, the issue “whether offence under Section 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) is made out or not” is a disputed question of fact.

7. Therefore, the appellant is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The appellant shall abide by the terms and conditions as envisaged under Section 482(2) of the B.N.S.S., 2023.

8. List on 25.11.2024.

3. Today, the learned State counsel has, on instructions imparted to him by police official concerned, 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.

4. In view of the above, impugned order dated 11.10.2024, is hereby **set aside**, and the hereinabove extracted interim order dated 22.10.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the appellant(s) shall not commit an offence similar to the present offence;

(ii) the appellant(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the appellant(s) shall make himself/herself available for interrogation by a police officer as and when required.”

5. 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.

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

CRA-S-3459-2024

3

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

November 25, 2024

dharamvir

(KULDEEP TIWARI)

JUDGE

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No