

CRA-S-2711-2022

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRA-S-2711-2022

Date of decision : April 15, 2024

Rahul

....Appellant

VERSUS

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sanchit Punia, Advocate, for the appellant
Mr. Abhinash Jain, DAG, Haryana
Mr. Rishu Mahajan, Advocate, for the complainant

KULDEEP TIWARI, J. (ORAL)

1. Vide order dated 20.12.2022 , the following order was passed by the Coordinate Bench of this Court:-

“Learned counsel for the appellant has submitted that it is an appeal under Section 14A of the SC& ST Act whereby the prayer made by the appellant for grant of anticipatory bail has been declined by the learned Additional Sessions Judge, Hisar. He submitted that the appellant was not named in the FIR and it was only thereafter on the basis of the disclosure statement of a co-accused his name has been nominated. He submitted that even as per the FIR there was no act pertaining to SC & ST Act which was attributable to the appellant since he was not even named in the FIR. He further submitted that since it is an appeal under Section 14A of the SC& ST Act, the order passed by the learned

Additional Sessions Judge, Hisar is impugned in the present appeal. He further submitted that a perusal of the order dated 17.11.2022 passed by the learned Additional Sessions Judge would show that the observations were factually incorrect since it has been observed in the impugned order that the appellant was also named in the FIR whereas the factual position was totally different. He further submitted that in view of the aforesaid position, the bar contained under Sections 18 and 18A of the SC & ST Act will not be applicable to the present case.

Notice of motion.

Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana accepts notice on behalf of the State of Haryana and prays for some time to seek instructions and if so desired, then file reply as well.

Adjourned to 28.03.2023.

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

2. Today, the learned State counsel on instructions imparted to him by Inspector Suresh, submits that the appellant has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial investigation.

3. Mr. Rishu Mahajan, Advocate, has caused appearance on behalf of the complainant and submitted that the matter has been compromised between the parties, and the complainant has no objection, if the order dated 20.12.2022, is made absolute.

3. In view of the specific stand taken by the learned State

counsel, and the statement suffered by the learned counsel for the complainant, the present appeal is **allowed** and order dated 20.12.2022 is, hereby, made absolute subject to the condition that the appellant shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

4. Further the appellant is directed to join the investigation as and when called by the Investigating Officer. In case the appellant failed to join the investigation, the State is at liberty to get the present appeal revived, by making appropriate application.

April 15, 2024
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(KULDEEP TIWARI)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>