



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

259

CRA-S-3396-2023 (O&M)
Date of Decision:- 22.07.2024

RAMESH

....Appellant(s)

Versus

STATE OF HARYANA AND ANR

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Gurvinder Singh, Advocate for
Ms. Monita Mehta, Advocate for the appellant

Mr. Ramender Singh Chauhan, AAG Haryana.

None for respondent No.2.

SANJIV BERRY, J. (ORAL)

1. By way of instant appeal, the appellant has assailed the impugned order dated 03.11.2023, passed by learned Additional Sessions Judge, Karnal, in case FIR No.739 dated 05.10.2023, under Sections 506 IPC and 3(1)(s) and 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act 1989 registered at Police Station Assandh, District Karnal, vide which the anticipatory bail of the appellant filed under Section 438 Cr.PC had been dismissed.

2. Heard.

3. Learned counsel for the appellant contends that appellant is innocent and has been falsely implicated in this case. He contends that vide order dated 24.05.2024, the appellant had been directed to join investigation



and granted interim bail. He submits that in pursuance to the aforesaid order, the appellant has joined the investigation.

4. Learned State counsel, on instructions from Inspector Gaurav Kumar intimates the Court that though the appellant has joined the investigation, however, he has not co-operated.

5. On a query raised by the Court to learned State counsel as to in what manner the petitioner has not co-operated in the investigation, the learned State counsel on instructions from the Investigating Officer intimates that the appellant has not disclosed the whereabouts of the co-accused.

6. During the course of hearing on 24.05.2024, following order was passed: -

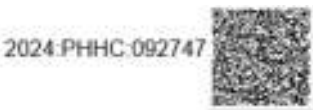
“Contends inter alia that a Civil Suit (A-4) is pending between petitioner as well as employer of the de facto complainant/respondent No.2 and present FIR has been registered just to pressurize the petitioner to withdraw the aforesaid suit.

Learned State counsel seeks time to have instructions regarding the status of investigation conducted by the Deputy Superintendent of Police in the matter.

Posted for 22.07.2024.

In the meanwhile, appellant shall join investigation before the Investigating Officer. In the event 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 the Code of Criminal Procedure, 1973.”

6. After considering the rival contentions and perusing the record, it transpires that the appellant has already joined the investigation in



compliance to the aforesaid order. No one has put in appearance on behalf of respondent No.2 to oppose the petition. The only ground taken by learned State counsel for opposing the bail simply on the ground that the appellants has not co-operated in the investigation by not disclosing the particulars of the co-accused is not justified. The appellant has been implicated in the instant FIR for having committed offence punishable under the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act 1989. At the same time, it is not disputed that the appellant, after having been directed vide order dated 24.05.2024, has joined the investigation. Accordingly, the interim bail granted to the appellant vide order dated 24.05.2024 is hereby confirmed subject to the conditions as envisaged under Section 438(2) Cr.PC. The appellant is directed to join investigation as and when required in future also by way of a written notice for such purpose to be served by Investigating Officer of this case; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

8. With these observations, the impugned order dated 03.11.2023, passed by learned Additional Sessions Judge, Karnal, is set aside and the instant appeal stands allowed.

(SANJIV BERRY)
JUDGE

22.07.2024
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |