

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S No.3351 of 2023

Date of decision: 14th March, 2024

Gajraj

... Appellant

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. P.S. Sullar, Advocate for the appellant.

Mr. Rajesh Gaur, Addl. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant appeal has been filed against the order dated 03.11.2023 whereby application under Section 438 Cr.P.C. for grant of anticipatory bail to the appellant in case FIR No. 328 dated 20.07.2023 under Sections 147, 148, 149, 323, 341, 452, 506 IPC and Sections 3(1)(e), 3(2)(va) Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Sirsa Sadar, District Sirsa, was dismissed.

2. On 16.11.2023, the following submissions had been made by learned counsel for the appellant:

“Learned counsel submits that it is a case of version and cross version wherein both the parties have received injuries at the hands of each other and intentionally levelled false allegations against the petitioner of having indulged in casteist utterances so as to invite the mischief

of offences Sections 3(1)(c), 3(2)(va) Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel further submits that an FIR was registered at the instance of the accused party against the other party, which is annexed as Annexure P-2, and which was prior in time.”

3. On the last date of hearing, i.e. 15.12.2023, while noticing the following submissions made by learned State counsel, this Court had granted the concession of interim bail to the appellant and asked him to join investigation.

“Learned State counsel, on instructions, has not disputed that castiest utterances had been attributed only to co-accused Amandeep and Shakti, however, she submits that when the occurrence took place, the appellant was also accompanying them.

On a further query, learned State counsel has not disputed that the injuries attributed to the appellant are with a stick and they were all opined to be blunt simple injuries.”

4. Learned counsel for the appellant submits that in compliance of the order dated 15.12.2023, the appellant has joined investigation and cooperated with the investigating agency.

5. Learned State counsel, on instructions, does not dispute the factum of the appellant having joined investigation and cooperated with the investigating agency. He, on further instructions submits that the appellant is not required for further investigation much less for his custodial interrogation.

6. As per the office report, even though service was duly effected upon the complainant, however, neither did anyone enter appearance on his behalf on the last date of hearing nor is there any representation on his behalf today.

7. In the circumstances, the appeal is allowed and the interim order dated 15.12.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the appellant misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

March 14, 2024

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No