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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRA-S-3447-2023****Date of Decision : 28.08.2024****Gaurav Chilana****...Appellant****Versus****State of Haryana and another****....Respondents****CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Kuldeep Singh Ahluwalia, Advocate for the appellant.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The applicant is impugning the order dated 02.11.2023, vide which his application for grant of the concession of anticipatory bail in FIR No.174 dated 14.06.2023 for the offences under Sections 147, 149, 323, 365, 379-B, 452, 506, 427 IPC and Section 3(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station City Ratia, District Fatehabad had been dismissed by the Court of learned Additional Sessions Judge, Fatehabad.

2. On 22.11.2023, while issuing notice of motion, the following submissions made by the learned counsel for the appellant were recorded:-

“Learned counsel, while drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, inter alia contends that the appellant was not named therein, much less any specific role attributed to him; he came to be nominated as an accused in the disclosure statement



allegedly suffered by co-accused Lakhwinder Singh. It has been further submitted that even as per the allegations levelled in the FIR, the casteist remarks inviting the mischief of Section 3(2) of the SCST Act were not made in public view but inside the shop of the complainant party and it was thereafter, the alleged assailants, after dragging the complainant outside, physically assaulted him and removed Rs.8,000/- from his pocket.”

Thereafter, on 03.04.2024, the appellant was granted the concession of interim bail and asked to join investigation

3. Learned counsel for the appellant submits that in compliance of order dated 03.04.2024, the appellant has joined investigation and cooperated with the investigating agency.

4. 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.

5. In view of the above, the appeal is allowed and interim order dated 03.04.2024, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) of the BNSS, 2023.

August 28, 2024
poonam

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/ reasoned : *Yes/No*
Whether reportable : *Yes/No*