

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRA-S-3593-2023  
Date of decision: 06.02.2024

MEGH NATH .....APPELLANT

VERSUS

STATE OF HARYANA ....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Sandeep Dhull, Advocate for  
Mr. B.S. Dhull, Advocate for the appellant.

Mr. Dhruv Sihag, AAG, Haryana.

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SANJIV BERRY, J.(ORAL)

1. Instant appeal has been preferred against the order dated 29.11.2023 vide which the anticipatory bail of the appellant, filed under Section 438 Cr.P.C., in case FIR (Annexure A-1), had been declined by the learned Additional Sessions Judge, Special Court, Kaithal. Details of the FIR are as under:

| FIR No. | Dated      | Sections                                                                                         | Police Station                     |
|---------|------------|--------------------------------------------------------------------------------------------------|------------------------------------|
| 297     | 28.08.2022 | 147, 149, 323, 506 of IPC and Section 3(1) (r), 3(1) (s), 3 (2) (va) of the SC and ST Act, 1989. | Sadar, District Kaithal (Haryana). |

2. Learned counsel for the appellant submits that in compliance to the order dated 08.12.2023 passed by this Court, the appellant has already joined the investigation and is co-operating with the investigating agency.

3. Learned State counsel has affirmed the factum of the appellant joining the investigation and co-operating with it and that the appellant is not required for further custodial interrogation in the matter.

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4. During the course of hearing on 08.12.2023, following order was passed:

*“Learned counsel for the appellant submits that pending consideration of the issue regarding maintainability of the appeal in the bunch of petitions listed today, the prayer of the appellant be considered under Section 482 Cr.P.C. It is further submitted that two co-accused have already been granted bail by this Court, who are similarly placed as the petitioner.*

*Learned counsel contends that the occurrence took place on 06.07.2022, however, the complaint was filed on 03.08.2022, based on which the FIR was registered. The complainant neither in the complaint nor in the FIR stated that the petitioner was aware of the fact that he belongs to scheduled caste. Nothing is to be recovered from the appellant and he is not involved in any other case of similar nature. He places reliance upon Hamidi vs. State of Haryana, 2022(1) RCR (Crl.) 240. It is further submitted that co-accused Tinku Tanwar, Ranbir Singh and Jatinder, who are similarly placed, have been granted interim bail by this Court vide order dated 04.07.2023, which has been made absolute vide order dated 04.09.2023.*

*List on 06.02.2024.*

*In the meanwhile, petitioner shall join the investigation and would associate on or before 25.12.2023. In the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal bond and surety to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall not, directly or indirectly, make any inducement or threat to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to any police officer or to the Court and shall not leave India without the previous permission of the Court.”*

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5. After hearing the respective submissions and perusing the record, it transpires that in compliance to the order dated 08.12.2023 passed by this Court, the appellant has already joined investigation and is no more required for further investigation at this stage nor he is required for any custodial interrogation. Without commenting on the merits of the case, present appeal is hereby allowed and interim bail granted vide order dated 08.12.2023 is hereby confirmed subject to compliance of conditions as specified under Section 438 (2) of Cr.P.C. Further, the appellant is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The appeal stands allowed.

7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)  
JUDGE

06.02.2024

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