



CRA-S-3712-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(215)

CRA-S-3712-2024

Date of Decision : 12.12.2024

Gaurav @ Devi Singh

...Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gautam Kaile, Advocate
for the appellant.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Munish Kumar Garg, Advocate
Mr. Tanuj Goyal Tohana, Advocate and
Mr. Rakesh Kumar Jangra, Advocate
for the respondent No.2.

KULDEEP TIWARI, J.(Oral)

1. Status report dated 11.12.2024, by way of affidavit of Mr. Rishi Kant, HPS, Deputy Assistant Commissioner of Police, Gohana, District Sonipat, on behalf of the respondent No.1-State of Haryana, furnished by learned State counsel today in the Court. The same is taken on record.

2. This Court, on dated 21.11.2024, had passed the hereinafter extracted order, upon the instant appeal:-

"1. Through the instant appeal, the appellant assails the order dated 28.10.2024, whereby, the learned Sessions Judge, Sonipat, has declined to grant him anticipatory bail, in FIR No.348 dated 03.08.2024, registered under Sections 115, 324(2), 333, 351(2) of the B.N.S., and Sections 3(2)R, 3(2)VA of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, at



P.S. Gohana City, District Sonipat.

2. The learned counsel for the appellant inter alia submits that, the present FIR neither embodies any allegation that the appellant was aware about the complainant's caste, nor contains any allegation that the alleged offensive words were said in a place within public view, inasmuch as, there is no allegation that anybody else, except the accused and complainant, was present at the time of alleged quarrel. He also submits that, the injury(ies) attributed to the appellant is "simple in nature".

3. List on 12.12.2024.

4. In the meantime, the appellant is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The appellant shall abide by the terms and conditions as envisaged under Section 482(2) of the B.N.S.S., 2023."

3. Today, the learned State counsel, after having instructions from the quarter concerned, stated that pursuant to the making of the hereinabove extracted order, the appellant(s) had joined investigation and he is no longer required for further custodial interrogation.

4. In view of the above, the instant appeal is **allowed**, and the impugned order dated 28.10.2024, passed by the learned Sessions Judge, Sonipat is **set aside**, and the hereinabove extracted interim order dated 21.11.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

"(i) the appellant(s) shall not commit an offence similar to the present offence;



(ii) the appellant(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
(iii) the appellant(s) shall make himself/herself available for interrogation by a police officer as and when required.”

5. This order should not be treated as “blanket” order. It will not be read granting appellant(s) indefinite protection from arrest. It shall be confined to the FIR mentioned ibid and will not operate in respect of any other incident that involves commission of an offence.
6. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

(KULDEEP TIWARI)
JUDGE

December 12, 2024
Manpreet

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