



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

241

CRA-S-3800-2023

Date of decision: May 27, 2024

DEV RAJ SHARMA

...Appellant

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Gurmeet Kaur Dhillon, Advocate
for the appellant.

Ms. Deepshikha Chauhan, Assistant Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The instant appeal has been filed by the appellant impugning the order dated 12.12.2023 passed by learned Additional Sessions Judge, Special Court, Kaithal, vide which his application under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.339 dated 22.11.2023 under Section 323, 506 read with Section 34 of the Indian Penal Code, 1860 and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Cheeka, District Kaithal, has been dismissed.

After issuing notice of motion on 22.12.2023, vide order dated 13.03.2024, the appellant had been granted interim anticipatory bail by this Court, with direction to join investigation and the relevant part of the order dated 22.12.2023 reads as under:-

“Learned counsel for the appellant, inter alia, contends that a false and fabricated case has been planted upon the appellant for allegedly indulging in casteist utterances against the complainant. It has been submitted that identically placed co-accused i.e. his wife has already been extended the concession of interim bail by this Court vide order dated 19.12.2023.”



Learned counsel for the appellant reiterates that the appellant has been falsely implicated in the present case; the alleged casteist utterances, if any, had been made inside the house of the complainant and those were not within the public view. He submits that in compliance of order dated 13.03.2024, the appellant has joined investigation and cooperated with the investigating agency.

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 their custodial interrogation.

In view of the above, the appeal is allowed, and interim order dated 13.03.2024 is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

May 27, 2024*Jaspreet Kaur***(MANJARI NEHRU KAUL)****JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No