



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRA-S-3793-2023

Date of decision: July 22nd, 2024

Kavita Sharma

.....Appellant

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rajesh Duhan, Advocate
for the appellant.

Mr. Gagandeep Singh Chhina, Assistant Advocate General,
Haryana.

Mr. S.K. Liberhan, Advocate
for complainant/respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

The appellant is impugning the order dated 07.12.2023 passed by learned Additional Sessions Judge, Special Court, Kaithal, whereby her application under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.339 dated 22.11.2023 under Sections 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.

2. Vide order dated 19.12.2023, the appellant had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Learned counsel for the appellant, inter alia, contends that a perusal of the FIR, which has been annexed as

Annexure A-1, clearly reveals that there is no specific allegation levelled against the appellant of having indulged in any casteist utterances against the complainant; the only allegations levelled against her, though untrue, were that when she appeared before the Panchayat, she threatened that she would file a false case of molestation and rape against the complainant party in case they insisted upon her and her husband to pay back the money, which had been allegedly advanced to them earlier. It has been submitted that all the allegations qua the alleged casteist utterances have been levelled against her husband and she is being implicated only on account of the fact that she is the wife of the main accused.”

3. Learned counsel for the appellant submits that in compliance of order dated 19.12.2023, the appellant has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from D.S.P. Kuldeep Singh, 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 her custodial interrogation.

5. In view of the above, the appeal is allowed and interim order dated 19.12.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

July 22nd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No