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IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRA-S-3909-2024 (O&M)
Date of Decision: 17.12.2024

VINOD

...Appellant

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Lakhwinder Singh Dhandiwal, Advocate
for the appellant.

Ms. Geeta Sharma, DAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. The instant appeal has been filed against the impugned order dated 12.11.2024 passed by the learned Additional Sessions Judge, Fatehabad whereby the application for anticipatory bail of the appellant in FIR No.332 dated 24.10.2024 under Sections 190, 191 (3), 333, 74, 75 (2), 351 (2) of BNS, 2023 and Sections 3 (2) (va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the SC/ST Act) at Police Station Sadar Tohana, District Fatehabad has been dismissed.

2. On 02.12.2024, following order was passed:

“The instant appeal has been filed against the impugned order dated 12.11.2024 passed by the learned Additional Sessions Judge, Fatehabad whereby the application for anticipatory bail of the appellant in FIR No.332 dated 24.10.2024 under Sections 190, 191 (3), 333, 74, 75 (2), 351 (2) of BNS, 2023 and Sections 3 (2) (va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the SC/ST Act) at Police Station Sadar Tohana, District Fatehabad has been dismissed.

Learned counsel for the appellant inter alia contends that a perusal of the case set up by the prosecution clearly indicates that no specific instance of using casteist remarks against the complainant is there to invoke the provisions of SC/ST Act. The only allegation against



the appellant is that along with main accused, he persuaded the bridegroom to break off the marriage with the complainant. Furthermore, there is a delay of 18 days in registration of the FIR (supra). It is further contended that the maximum punishment provided for the offence alleged to have been committed in the FIR (supra) is upto 7 years and no notice under Section 35 of the BNSS was served upon the appellant. As such, in view of the ratio of law culled out in the judgment rendered by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51, appellant is entitled for bail.

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and opposes the prayer for grant of anticipatory bail to the appellant.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352, at the first instance, appellant is directed to appear before the Investigating Officer within a week and on his doing so or in the event of arrest, appellant shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The appellant shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 482 (2) of BNSS.

If the Investigating/Arresting Officer does not permit the appellant to join the investigation, the appellant would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the appellant in investigation, in terms of the order of this Court.

Adjourned to 17.12.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court."



- 3. Learned State counsel on instructions from SI Surjit, submits that in compliance of order dated 02.12.2024 passed by this Court, the appellant has joined the investigation and is not required for further custodial interrogation.
- 4. Keeping in view the statement made by learned State Counsel the order dated 02.12.2024, is made absolute. The appellant shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C./482(2) of B.N.S.S.
- 5. The petition is accordingly disposed of.

17.12.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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