

2024:PHHC:002066

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227

CRA-S-3918-2023
Date of Decision : January 09, 2024

KESHAV

.....Appellant

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Raj Kumar, Advocate for the appellant.
Mr. Bhupender Singh, DAG, Haryana.
Mr. Nikhil Vats, Advocate for respondent No.2.

KULDEEP TIWARI. J.(Oral)

1. Through the instant appeal, challenge is thrown to the order dated 21.12.2023 whereby, the prayer for grant of anticipatory bail was declined by the learned trial Court concerned.
2. Learned counsel for the appellant submits that even if the allegations contained in the FIR are considered to be a gospel truth, no offence whatsoever under Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as '**the Act of 1989**') is made out. He further submits that one of the allegations against the appellant is that the appellant has used derogatory words/comments against the complainant in regard to the caste of the complainant, which is denied by the present petitioner and states that it was made by one Sunita @ Santosh, who was arrested and was enlarged on regular bail.
3. Upon notice, Mr. Nikhil Vats, Advocate has caused appearance on behalf of respondent No.2 and opposed the asked for relief on the ground that there is specific bar under Section 18 of the Act of

1989 to enlarge any person on anticipatory bail.

4. Be that as it may, this Court has examined the entire complaint, which is the part of the FIR and *prima facie* of the view that it was Sunita @ Santosh, who used derogatory language in the name of caste and not the present appellant, therefore, whether, the present appellant is liable to be prosecuted under the Act of 1989, is a debatable issue, to be decided by the learned trial Court concerned at the time of trial. However, at this stage, *prima facie*, this Court is of the view that the present appellant deserves to be enlarged on anticipatory bail.

5. In view of the above, the instant appeal is **allowed**. The appellant is directed to join the investigation with the investigating officer within 15 days from today. Upon joining the investigation, the investigating officer shall release the appellant on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The appellant shall keep on joining the investigation as and when called for and shall also abide by the conditions specified under Section 438(2) of the Cr.P.C.

6. However, the State/complainant is at liberty to re-access this Court seeking cancellation of bail granted by this Court in case the appellant failed to join the investigation and co-operate with the investigation process.

January 09, 2024

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(KULDEEP TIWARI)

JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No