



**206 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**

**CRA-S-215-2024 (O&M)
Date of Decision: 13.02.2025**

SUBHASH CHAND AND ANOTHER

...Appellants

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Shivam Sharma, Advocate
for the appellants.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. This appeal has been filed by the appellants against order dated 08.12.2023 passed by learned Additional Sessions Judge, Faridabad whereby the application filed by the appellants for grant of anticipatory bail in case having FIR No.644 dated 9.10.2023 registered under Sections 323, 34, 506 of Indian Penal Code and Sections 325, 120-B IPC and Sections 3(2)(Va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (added later on), has been dismissed.

2. On 18.01.2024, following order was passed:

“This appeal has been filed by the appellants against order dated 8.12.2023 passed by the Court of Additional Sessions Judge, Faridabad whereby an application filed by the appellant for grant of anticipatory bail in case having FIR No.644 dated 9.10.2023 registered under Sections 323, 34, 506 IPC and Sections 325, 120-B IPC and Sections 3(2)(Va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (added later on), has been dismissed.

Counsel for the appellants, inter alia contends that the appellants are falsely implicated in the present case and that the complainant is tenant under the brother of appellant No.1 and further, initially when FIR was registered, no offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)



Act was attributed to the accused persons and the said offence was later on added. He further submits that even otherwise, provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act cannot be invoked in the present case as both the appellants also belong to scheduled caste as is evident from caste certificate of appellant No.1 (Annexure P-2). Counsel for the appellants further submits that all other offences are bailable and the appellants are ready to join investigation with the police.

Notice of motion.

Mr. Neeraj Sheoran, DAG, Haryana accepts notice on behalf of the State and prays for time to seek necessary instructions with regard to caste certificate (Annexure P-2) and has not disputed the fact that initially, no offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act was there when the FIR was registered against the appellants.

It is a moot point as to whether offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act could be invoked in the present case against the appellants who also belongs to scheduled caste.

List on 21.3.2024.

In the meantime, the appellants are hereby directed to join the investigation with the police and in case of arrest, they are to be released on interim bail by the investigating officer/arresting officer to his own satisfaction till the next date fixed in this case. The appellants are also to abide by the conditions envisaged under Section 438 (2) of Cr.P.C.”

3. Learned State counsel on instructions from Inspector Shamsher Singh, submits that in compliance of order dated 18.01.2024 passed by this Court the appellants have joined the investigation and they are not required for further custodial interrogation.

4. In view of the statement made by learned State counsel, the order dated 18.01.2024 is made absolute. The appellants 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 appeal is accordingly disposed of.

(HARPREET SINGH BRAR)
JUDGE

13.02.2025
Ajay Goswami

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