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

CRA-S-897-2025 (O&M)**Date of Decision: 01.08.2025**

Raja

...Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**Present:** Mr. V.P. Sangwan, Advocate, for the appellant.

Mr. Karan Veer Singh, Sr. DAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)**CRM-26160-2025**

This is an application under Section 528 of BNSS to amend the appeal and to add the subsequently added offence under Section 103(1) of BNS, 2023 in the main appeal filed.

Learned counsel for the applicant-appellant submits that offence under Section 103(1) of BNS, 2023 was added subsequently after filing of the main appeal for anticipatory bail. Thus, he prays for amending the appeal as well as for addition of the said offence.

Notice in the application.

Mr. Karan Veer Singh, Sr. DAG, Haryana appears and accepts notice on behalf of the State.

In view of the averments made therein, same is allowed. Offence under Section 103(1) of BNS, 2023 in the headnote as well as the prayer of the main appeal is ordered to be added. Appellant is ordered to be considered on bail in the newly added Section in terms of the order dated 19.03.2025.

Registry is directed to do the needful.

Main case

Prayer in the present appeal is for grant of anticipatory bail to the appellant in case FIR No.56 dated 13.02.2025, under Sections 110, 190, 191(2), 191(3), 115(2) and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (Sections 103(1)/117(2) of BNS, 2023 added lateron) and Section 3(2)v(a) of the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989, at Police Station Tosham, District Bhiwani.

Vide order dated 19.03.2025, while granting interim protection, the appellant was directed to join investigation.

Learned counsel for the appellant has submitted that in pursuance to the order passed by this Court, appellant has joined the investigation and as such his interim bail may be made absolute.

However, learned State counsel, on instructions has stated that the appellant has not cooperated in the investigation.

After hearing both the counsel and perusing the record, it is apparent that the petitioner is a senior citizen of 75 years of age, who has joined the investigation. Objection raised by the learned State counsel that he is not cooperating cannot be a ground for rejection of his appeal.

In view of the above, interim order dated 19.03.2025 is made absolute subject to compliance of conditions as envisaged under Section 482(2) of BNSS, 2023. Appeal stands allowed.

01.08.2025

Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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