



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

201

CRA-S-2051-2022 (O&M)

Date of decision: 13.01.2025

Ram Kumar and others

....Appellants

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Ranjit Saini, Advocate
for the appellants.

Mr. Abhinash Jain, DAG, Haryana.

Ms. Jasleen Kaur, Advocate
for Mr. S.S. Rana, Advocate
for respondent No.2.

NAMIT KUMAR J. (Oral)

The appellants pray for grant of anticipatory bail in Criminal Complaint No.138 filed under Sections 323, 341, 354(A), 506, 34 IPC and Sections 3(1)(r) and (s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

On 18.10.2022, the following order was passed:-

This appeal has been filed praying for grant of pre-arrest bail to the appellants in Criminal Complaint No.138, under Sections 323, 341, 354(A), 506, 34 IPC and Sections 3(1)(r) and (s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for brevity, 'the Atrocities Act').

It has been contended by counsel for the appellants that the complaint has been filed with an ulterior motive. He submits that appellants are in possession of 6 marla of land of panchayat and on account of the same, the litigation was with the panchayat. It is submitted that the

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appellants have approached this Court by way of filing CWP No.3812 of 2017, which was allowed by this Court vide its order dated 06.04.2017. It is submitted that the Hon'ble High Court has allowed the writ petition for consideration of the exchange of land which was in possession of the appellants. He submits that Devar and husband of the complainant nurtured a grudge regarding the same, though it was allowed by the High Court. He submits on account of the same, the relatives of the complainant have been filing frivolous complaints clandestinely against the appellants with an ulterior motive. He has submitted that from a bare reading of the allegations in the FIR, no offence under the Indian Penal Code and the Atrocities Act is attracted and hence in view of the law settled by the Hon'ble Apex Court in Prathvi Raj Chauhan vs Union of India and others (2020) 4 Supreme Court Cases 727, the bar under Section 18 of the Atrocities Act is not attracted. It is further submitted that the appellants have no criminal antecedents and thus, no case for custodial interrogation is made out. It is further submits that lodging of the complaint is nothing but an abuse of the process of the Court. He submits that in view of the same, the appellants deserve to be granted the concession of anticipatory bail.

Issue notice of motion for 21.02.2023.

On the asking of the Court, Mr.B.S.Virk, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

In the meanwhile, the appellants are directed to appear before the Court concerned within a period of ten days and on their doing so, they shall be admitted to interim bail by the said Court.

In the status report filed by way of an affidavit of Rajesh Kumar, Deputy Superintendent of Police-II, Yamuna Nagar, today in the Court, it has been stated as under:-

5. That vide order dated 18.10.2022 passed by this Hon'ble Court, the appellants were directed to appear before the court concerned within a period of 10 days and as per the information collected by the police, on 26.10.2022, the



appellants appeared before the court of Sh. Namit Kumar, Ld. J.M.I.C., Jagadhri and in compliance of the above said order passed by this Hon’ble Court, the appellants have been admitted to interim bail.

Learned counsel for the appellants has submitted that, in pursuance to the order dated 18.10.2022 passed by this Court, the appellants have appeared before the Investigating Officer and have joined the investigation.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the aforesaid fact and submits that the appellants have joined the investigation and are no more required for further investigation.

In view of the above, this appeal is allowed and the interim bail granted to the appellants vide order dated 18.10.2022 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(NAMIT KUMAR)
JUDGE

13.01.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No