



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
204

CRA-S-3307-2024 (O&M)
Date of decision: 21.02.2025

Hxxxx (minor) through his mother
.....Appellant
Versus
State of Haryana and another
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sudhir Rana, Advocate
for the appellant.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Gourav Phogat, Advocate
for Mr. J.P. Jangu, Advocate
for respondent No.2

HARPREET SINGH BRAR J. (Oral)

1. The present appeal has been filed for grant of anticipatory bail to the appellant in case FIR No.436 dated 09.09.2024 under Sections 115/3(5)/333/351(2) of BNS, 2023 and Section 3, 3(1)(v), 3(1)(s) and 3(1)(w) of Scheduled Cases and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'SC/ST Act') registered at Police Station Model Town Rewari, District Rewari.

2. On 20.01.2025, the following order was passed:-

“XX XX XX XX
Learned counsel for the appellants inter alia contends that the main accused is Ramesh and the grievous hurt on the right hand of the Mukesh is specifically attributed to co-accused Ramesh and as far as the appellants are concerned, no specific injury or role has



been attributed to them. Learned counsel submits that no offence under the provisions of SC/ST Act is prima facie made out and the entire family of the main accused Ramesh is falsely implicated in the present case. Learned counsel further submits that no specific role either causing any injury or use of offending words has been alleged against the appellants.

Per contra, learned State counsel assisted by learned counsel for respondent No.2/complainant opposes the prayer made by the appellants on the ground that the incident was captured in the CCTV footage and the appellants along with the main accused were seen present at the spot.

Adjourned to 21.02.2025.

*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; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the appellants are directed to appear before the Investigating Officer within two weeks from today and on their doing so or in the event of arrest, the appellants shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The appellants shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C. [482(2) of B.N.S.S.]*

If the Investigating/Arresting Officer does not permit



the appellants to join the investigation, the appellants would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the appellants in investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

A photocopy of this order be placed on the file of other connected case.”

3. Learned State counsel assisted by learned counsel for respondent No.2 and on instructions from DSP Surender Sheoran, at the very outset, informs the Court that the appellant has joined the investigation and his custodial interrogation is not required.
4. In view of the statement of learned State counsel, order dated 20.01.2025 is hereby made absolute. The appellant shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (*erstwhile Section 438(2) of the Code of Criminal Procedure, 1973*).
5. The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

21.02.2025
yakub

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