



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

CRA-S-3735-2024

Date of decision: 22.01.2025

SUMIT KUMAR

....PETITIONER

Versus

STATE OF HARYANA AND ANR

...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Ajay Kadyan, Advocate
for the appellant.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J. (ORAL)

Respondent No.2 served as per office report but has not appeared.

2. The instant appeal has been preferred by the appellant against the order dated 08.11.2024 passed by learned Additional Sessions Judge, Jind, whereby the application for grant of anticipatory bail to the appellant in case FIR (Annexure P-1) has been dismissed being not maintainable as per Section 18 of SC/ST Act, 1989. Details of FIR are as under:

FIR No.	Dated	Sections	Police Station
294	07.10.2024	115, 3(5), 351 (2) of BNS, 2023 and Section 3(2) (v) of SC /ST Act deleted later on and Section 3(1)(r) of SC/ST Act added later on.	Sadar Safidon, District Jind.

3. Heard.

4. Learned counsel for the appellant contends that appellant is innocent and has been falsely implicated in this case. He contends that vide

order dated 18.11.2024, the appellant had been directed to join

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investigation and was granted interim bail. He submits that in pursuance to the aforesaid order, the appellant has joined the investigation.

5. Learned State counsel, on instructions from DSP Gaurav Sharma, the Investigating Officer of the case and ASI Sunil Kumar, intimates the Court that the appellant has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

6. During the course of hearing on 18.11.2024, following order was passed: -

“Learned counsel for the appellant, inter alia, contends that the appellant is innocent and has been falsely implicated in this case. He further contends that the offences under Section 115, 351 (2) and 3 (5) of BNS are bailable but the appellant has been falsely arraigned as accused for offences under Section 3(1) (r) of SC/ST Act, 1989, which from the bare perusal of the FIR do not make out. He further referred to the statement of complainant (Annexure P-1) wherein no casteist remarks were averred so as to attract the provisions of SC/ST Act. He submits that even for that matter from the perusal of the FIR (Annexure P-1), no such allegations has been attributed in the entire FIR but despite that the police has introduced the provisions of SC/ST Act without any plausible reason. Learned counsel for the appellant has further referred to the judgment of Hon’ble Supreme Court of India in ‘Prathvi Raj Chauhan Versus Union of India and others’, 2020 (4) SCC 727, to contend that in such like situation the bar under Section 18 and 18 (a) of SC/ST Act would not apply and he submits that the petitioner is not having any criminal antecedents and is ready to join the investigation. Hence, seeks acceptance of the appeal.



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3. *Notice of motion.*

4. *On the asking of the Court, Ms. Gaganpreet Kaur, DAG, Haryana, present in Court, accepts notice on behalf of the State-respondent and prays for time to file the status report/reply in the matter.*

5. *Notice of motion to respondent No.2 be issued for 22.01.2025.*

6. *Dasti as well.*

7. *Reply be filed well before the date fixed with an advance copy to the counsel opposite.*

8. *In the meanwhile, the appellant is hereby directed to join investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 482 (2) of BNSS, 2023.”*

7. After considering the rival contentions and perusing the record, it transpires that the appellant has been implicated in the instant FIR for having committed offence punishable under Section 3 (1) r of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act 1989. At the same time, it is not disputed that the appellant, after having been directed vide order dated 18.11.2024, has joined the investigation. As per learned State counsel, he is not required for further investigation nor he is required for custodial interrogation of the case. This be the case, the interim bail granted to the appellant vide order dated 18.11.2024 is hereby confirmed subject to the conditions as envisaged under Section 482(2) BNSS. The appellant is directed to join investigation as and when required



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in future also by way of a written notice for such purpose to be served by Investigating Officer of this case; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

8. With these observations, the impugned order dated 08.11.2024, passed by learned Additional Sessions Judge, Jind, is set aside and the instant appeal stands allowed.

(SANJIV BERRY)
JUDGE

22.01.2025
kanika

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |