



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

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**CRA-S-4125-2024 (O&M)
Date of Decision:- 21.01.2025**

GAURAV

....Appellant (s)

Versus

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Mohan Singla, Advocate
for the appellant.

Mr. Surender Singh, A.A.G. Haryana.

Mr. Gourav Jain, Advocate
for respondent No.2.

SANJIV BERRY, J. (ORAL)

1. By way of instant appeal, the appellant has assailed the impugned order dated 29.11.2024, passed by learned Additional Sessions Judge, Fatehabad in case FIR No.205 dated 02.11.2024 under Sections 190, 191(2), 351(2) of Bharatiya Nyaya Sanhita, 2023 and Section 3(1)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act 1989 registered at Police Station Jakhal, District Fatehabad, vide which the anticipatory bail of the appellant filed under Section 482 BNSS had been dismissed.



2. Heard.

3. Learned counsel for the appellant contends that appellant is innocent and has been falsely implicated in this case. He contends that vide order dated 19.12.2024, the appellant had been directed to join investigation and granted interim bail. He submits that in pursuance to the aforesaid order, the appellant has joined the investigation.

4. Learned State counsel, on instructions from Sh. Umed Singh, Deputy Superintendent of Police, Tohana, the Investigating Officer of the case, intimates the Court that the appellant has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

5. During the course of hearing on 19.12.2024, following order was passed: -

“6. Learned counsel for the appellant, inter alia, contends that the appellant is innocent and has been falsely implicated in this case and in the late evening of the Diwali on the fateful day, although the appellant was present in the street when a group of persons carrying patas were there but the petitioner has not uttered a single remark regarding the caste of the complainant nor he was carrying any patas at the relevant time. He further contends that the appellant is not having any criminal antecedents and is ready to join the investigation. Hence, prays for grant of bail.

7. Notice of motion.

8. On the asking of the Court, Mr. Surender Singh, AAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

9. Learned State counsel, assisted by learned counsel for the complainant, have assailed the arguments of learned counsel for the petitioner, by submitting that the appellant along with other accused were creating nuisance in the street with one of them indulging in patas bombing creating noise and when the complainant asked them to refrain them, they have uttered casteist remarks.



10. Mr. Shamsheer Singh, Deputy Superintendent of Police, Tohana, Investigating Officer of the case, is present in Court and has submitted that the incident was recorded in the CCTV footage and is available in his mobile phone. To a query, as to whether the appellant is seen there uttering any casteist remarks, he admits that the appellant was not carrying the patas as per the CCTV footage nor is there specific footage showing him to be raising casteist remarks, although his presence is there in the CCTV footage.

11. List on 21.01.2025.

12. 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.

13. Investigating Officer of the case to remain present along with record on the next date of hearing.”

6. 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)(s) 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 19.12.2024, 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 19.12.2024 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 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.



7. With these observations, the impugned order dated 29.11.2024, passed by learned Additional Sessions Judge, Fatehabad, is set aside and the instant appeal stands allowed.

(SANJIV BERRY)
JUDGE

21.01.2025
S.Sharma(syr)

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