



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

CRA-S-3852-2024

Date of decision: 22.01.2025

RAMBIR & ORS.

....PETITIONER

Versus

STATE OF HARYANA & ANR.

...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. K.S. Dhaliwal, Advocate;
Mr. Vicky Sharma, Advocate and
Mr. Parvesh Malik, Advocate
for the appellant.

Mr. Surender Singh, AAG, Haryana.

Ms. Payal, Advocate for
Mr. K.P.S. Virk, Advocate for respondent No.2.

SANJIV BERRY, J. (ORAL)

By way of instant appeal, the appellant has assailed the impugned order dated 19.11.2024, passed by learned Additional Sessions Judge, Jind, in case FIR (Annexure P-1) vide which the anticipatory bail of the appellant filed under Section 482 BNSS had been dismissed. Details of the FIR are as under:

FIR No.	Dated	Sections	Police Station
229	30.10.2024	190, 191 (2), 351 (2), 127 (1), 115 (2) of BNS, 2023 and 3 (1) r, 3 (1) s of SC/ST Act	City Safidon, District Jind.

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 09.12.2024, 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.

4. Learned State counsel, on instructions from DSP Gaurav Sharma, 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. Learned counsel for the complainant opposed the submissions made by learned counsel for the appellant.

6. During the course of hearing on 09.12.2024, following order was passed: -

“Heard.

Learned counsel for the appellants inter alia contends that although the appellants are named in the FIR, but no specific overt act is attributed to them nor even the perusal of the FIR reveals the commission of offence punishable under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the appellants. He further submits that the appellants are neither involved in the alleged occurrence nor had they uttered any casteist remarks.

Learned State counsel while referring to the status report submitted by the State and on instructions from ASI Jaibeer Singh has opposed the petition.

Learned counsel appearing on behalf of the complainant has assailed the arguments advanced by learned counsel for the appellants by submitting that the appellants had uttered casteist remarks against the complainant.

Considering the rival contentions and perusing the record, it is deemed appropriate that without commenting on

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the merits of the case, the appellants should join the investigation first, before deciding the appeal on merits.

Accordingly, the appellants are hereby directed to join investigation within seven days from today and co-operate in the same. In the event of the arrest of the appellants, they shall be released on interim bail on their furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. They shall also abide by conditions as envisaged under Section 482(2) BNSS.

List on 22.01.2025.”

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 and 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 09.12.2024, 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 09.12.2024 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.

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8. With these observations, the impugned order dated 19.11.2024, passed by learned Additional Sessions Judge, Jind, is set aside and the instant appeal stands allowed.

(SANJIV BERRY)
JUDGE

22.01.2025

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