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

**CRA-S-50-2025(O&M)
Date of decision: 17.02.2025**

SANJU

....Appellant.

Versus

STATE OF HARYANA AND ANR

....Respondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Keshav Partap Singh, Advocate and
Mr. Abhishek Kharab, Advocate, for the appellant.

Mr. Surender Singh, AAG, Haryana.

None for respondent No.2.

SANJIV BERRY, J. (ORAL)

The instant appeal has been preferred against the impugned order dated 03.01.2025, passed by learned Additional Sessions Judge Fatehabad, whereby the application of the appellant for grant of anticipatory bail was dismissed in case as under:-

FIR No.	Dated	Sections	Police Station
205	02.11.2024	190/191(2)/351(2) of BNS and Section 3(1)(s) of the SC & ST Act, 1989	Jakhal, District Fatehabad

2. Learned counsel for the appellant has submitted that in compliance of the order dated 23.01.2025, passed by this Court appellant has joined the investigation, as such he is not required for custodial interrogation.



3. *Per contra*, learned State Counsel assisted by Mr. Sanjay Kumar, Deputy Superintendent of Police, Fatehabad, Investigating Officer of the case, has opposed the appeal by arguing that the appellant along with other co-accused had been creating ruckus in the street by cracking potash bomb in the night and when the complainant objected to the same, they abused him with casteist remarks. They contend that appellant had actively participated in the occurrence and the impugned order dated 03.01.2025 has been correctly passed by learned Additional Sessions Judge, Fatehabad, hence prayed for dismissal of the appeal. However, they have not disputed the fact that in compliance of the order dated 23.01.2025 the appellant has joined the investigation.

4. Heard learned counsel for the parties.

5. During the course of the proceedings following orders were passed on 23.01.2025:-

“ As per office report, respondent No. 2 has been duly served but none has come present on his behalf to contest the present appeal.

2. Status report dated 20.01.2025, filed in the form of affidavit of Deputy Superintendent of Police, Tohana, District Fatehabad, (Haryana), on behalf of State-respondent No. 1, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

3. It is, inter alia, contended by learned counsel for the appellant that the appellant has been falsely implicated in this case. He further contends that the appellant is not having any criminal antecedents. He contends that it was Diwali night, on the fateful evening when a group of persons were passing through the street and one of them was carrying patas. He contends that



although the appellant was present in the street at the relevant time but had not uttered even a single casteist remark against the complainant nor he abused the complainant in any manner. He contends that no specific overt act has been attributed to the appellant.

4. *Learned counsel for the appellant further contends that the co-accused Rahul and Gaurav have already been granted concession of bail vide order dated 19.12.2024 passed in CRA-S-3947-2024, 'Rahul Versus State of Haryana and another' and vide order dated 21.01.2025 passed in CRA-S-4125-2024, 'Gaurav Versus State of Haryana and another' and he claims parity with the same. Hence, prays for acceptance of the appeal and grant of bail to the appellant.*

5. *Per contra, learned State counsel, by referring to the reply submitted by the State, has submitted that the appellant along with other co-accused were creating nuisance in the street, due to which, altercation took place with the complainant. Learned State counsel does not dispute the bail granted to the co-accused Rahul and Gaurav (supra).*

6. *Keeping in view the above arguments and without commenting on the merits of the case, it is deemed appropriate that the appellant should join the investigation before deciding the petition on merits. Accordingly, 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 the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS).*

7. *Investigating Officer (concerned) to remain present in Court along with relevant records on the date fixed.*

8. *List on 17.02.2025."*



6. After considering the rival contentions and perusing the record, it transpires that appellant is 23 years old, having no criminal antecedents, The allegations qua him that he along with other co-accused had given casteist remarks against the complainant. Co-accused Rahul and Gaurav have already been granted concession of bail (supra). Admittedly, no injury has been caused in the occurrence to the complainant and in compliance with the orders dated 23.01.2025, the appellant has joined the investigation, as such he is not required for custodial interrogation.

7. As is evident from the above submissions that the appellant has joined the investigation in compliance with the aforesaid order and is not required for further investigation. Therefore, the interim bail granted to the appellant vide order dated 23.01.2025 is hereby confirmed, subject to the conditions as envisaged under Section 482(2) BNSS. Further, he will not tamper with the evidence nor will influence the witnesses; shall cooperate with the investigation as and when so required.

8. The impugned order dated 03.01.2025 passed by learned Additional Sessions Judge, Fatehabad is hereby set aside and the appeal stands allowed.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending application(s), if any, stands disposed of.

17.02.2025

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(SANJIV BERRY)
JUDGE

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