



208 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRA-S-3361-2023 (O&M)
Date of Decision: 13.05.2025

RAKESH

...Appellant

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Hritik Gupta, Advocate for
Mr. Ajay Kumar Gupta, Advocate for the appellant.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Rahul Makkar, Advocate
for the complainant-respondent No. 2.

HARPREET SINGH BRAR J. (Oral)

1. Instant appeal has been filed under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for short "SC/ST Act") against order dated 06.11.2023 passed by learned Additional Sessions Judge, District Jhajjar, whereby anticipatory bail of the appellant was dismissed in case FIR No.193 dated 21.09.2023 registered under Sections 323, 506 of IPC, 1860, and Section 3 (2) (va) of SC/ST Act, however, Section 325, IPC, was added later on, at Police Station Dujana, District Jhajjar.

2. On 22.11.2023, following order was passed:

"CRM-49152-2023"

Application is allowed as prayed for.

Complainant is ordered to be impleaded as respondent No.2 in compliance of the order passed by this Court.

Amended memo of parties is taken on record.

Main Case

Instant appeal has been filed under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for short "SC/ST Act") against order dated 06.11.2023 passed by learned Additional Sessions Judge, District Jhajjar, whereby anticipatory bail of the appellant was dismissed in



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case FIR No.193 dated 21.09.2023 registered under Sections 323, 506 of IPC, 1860, and Section 3 (2) (va) of SC/ST Act, however, Section 325, IPC, was added later on, at Police Station Dujana, District Jhajjar.

Counsel for the appellant contends that there is an unexplained delay of 16 hours in lodging of the FIR, which is an outcome of a political rivalry as appellant's wife is the Sarpanch of the village. By referring to the allegations levelled in the FIR, he contends that there was no eye-witness to the alleged incident, the objectionable words allegedly uttered have not been mentioned and the utterances cannot be said to have been made within public view.

Notice of motion.

On asking of the Court, Mr. Munish Sharma, DAG, Haryana, accepts notice on behalf of respondent No.1-State.

Respondent No.2 be served for 21.02.2024.

Appellant is directed to appear before the Investigating Officer on 04.12.2023 at 11.00 A.M. at Police Station Dujana, District Jhajjar, and join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

3. Learned State counsel on instructions from ASI Ravinder, submits that in compliance of order dated 22.11.2023 passed by this Court, the appellant has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 22.11.2023 is made absolute. The appellant shall abide by the terms and conditions enumerated in Section 482(2) of BNSS, 2023.

5. The appeal is accordingly disposed of.f

(HARPREET SINGH BRAR)
JUDGE

13.05.2025
Ajay Goswami

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>