

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-1728-2025 (O&M)

AYUSH

.....APPLICANT/APPELLANT(s)

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENT(s)

Present: **Mr. Nitin Bhanwala, Advocate** for the applicant/appellant.

Mr. Chetan Sharma, DAG, Haryana.

This appeal has been filed second time under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as SC/ST Act) after being aggrieved by the impugned order dated 17.03.2025 passed by the Additional Sessions Judge, Kaithal vide which anticipatory bail of the Appellant stood dismissed in the present FIR No. 170 dated 24.09.2024 registered at Dhand Police Station, Kaithal under Sections 115, 351(2), 191(3), 126, 190 of the BNS and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the SC/ST Act, 1989. The copy of the FIR is attached.

Notice of motion.

On the asking of Court, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State.

Learned counsel for the appellant undertakes to serve respondent No.2 by way of dasti process.

Let dasti notices be issued to respondent No.2 after depositing process fee by counsel for the appellant.

On an earlier occasion, the appellant was granted the relief of anticipatory bail vide order dated 02.04.2025 passed in CRA-S-1014-2025, with stipulation that he will join the investigation within a week from the date of passing of that order.

Learned counsel for the appellant submits that after passing of that order the appellant went to the office of Deputy Superintendent of Police, Kaithal on 05.04.2025 to join investigation, but he was sent back by the said officer asking him to produce certified copy of the order passed by this Court and instead of giving time to the present appellant, appellant was arrested in another FIR bearing No. 726 dated 08.11.2024 registered under Sections 115, 118, 61 and 3 of BNS, 2023, at P.S. Krishna Gate, Kurukshetra and was remanded to judicial custody.

Learned State Counsel when countered with this fact, as to under which authority, Mr. Bir Bhan, DSP, (Municipal) Kaithal did not let the appellant to join the investigation and instead gave direction to him to produce the certified copy of that order, he urges that the above submission is merely an oral statement made by counsel for the appellant which is not authenticated and cannot be a case otherwise.

After rebuttal submission of the learned State Counsel, counsel for the appellant refers to the order wherein point wise reply to an application before the JMIC, Kaihtal was moved by the present petitioner seeking direction to the investigating officer for joining the investigation in compliance to the order dated 02.04.2025 was filed, wherein the DSP,

Kaithal in the reply admits the facts that the appellant along with his mother and uncle went to the office of DSP, Kaithal on 05.04.2025 to join the investigation but was verbally told to bring the attested copy of the order dated 02.04.2025.

The Court is of the view that such conduct of DSP, Kaithal is not only condemnable but would tantamount to an attempt to commit contempt of Court particularly criminal contempt, hence, is directed to file reply as to why show cause notice be not issued against him. Necessary reply to the show cause notice be submitted before this Court on or before 26.05.2025.

The concerned Officer i.e. Deputy Superintendent of Police, Kaithal is directed to remain present in Court on the next date of hearing.

However, having regard to the afore-said discussion, at this stage the appellant is directed to be released on interim anticipatory bail subject to his joining investigation as and when called for and furnishing of personal/surety bonds to the satisfaction of the Investigation Officer/Trial Court and also abide by terms and conditions as envisaged under Section 482(2) of BNSS, 2023 as detailed below :-

When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.

List on 26.05.2025 for further consideration.

20.05.2025
anuradha

(SANDEEP MOUDGIL)
JUDGE