

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

CRM-M -14229 of 2016 (O&M)
Date of decision: 14.09.2016

Ajit Pal Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Pratham Sethi, Advocate
for the petitioners.

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Lal Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in FIR No.25, dated 04.03.2016, registered under Sections 353, 186/183 IPC and Sections 3 & 4 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Ghall Khurd, District Ferozepur.

On 13.05.2016, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in case FIR No.25 dated 04.03.2016, under Sections 353, 186/183 of Indian Penal Code and Section 3

and 4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 added on 11.03.2016, registered at Police Station Ghall Khurd, District Ferozepur.

It may be noticed that the FIR came to be registered on 04.03.2016 against the present petitioners who are nine in number. Prosecution version is that on 23.07.2015, Sarpanch of the village in question along with the Panchayat Officer had proceeded to the place of occurrence to get vacated the shamlat land of the Panchayat in pursuance to a resolution dated 23.07.2015 and thereupon the accused/present petitioners had prevented them from taking over possession and hurled abuses.

The case set up on behalf of the petitioners is that of false implication. It is submitted that the occurrence is stated to be of 23.07.2015 and the FIR came to be registered on 04.03.2016 initially for offences under Sections 353, 186 and 183 IPC. Subsequently, it is on 11.03.2016 that offences under Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 have been added.

State counsel would submit that the offences under the provision of SC & ST Act have been added on account of the statements of witness recorded under Section 161 Cr.P.C. subsequently. She, however, concedes that such statements are only reiteration of the initial version as contained in the FIR.

Arguments raised by counsel appearing for the petitioners is that even if version of the FIR is to be taken as gospel truth still the ingredients of Sections 3 and 4 of the SC & ST Act would not be made out.

Further argued that the narration and consequences of events would be a point towards false implication.

Further submitted that under such circumstances the bar envisaged under Section 18 of the SC & ST Act would not apply.

List for further consideration on 26.08.2016.

In the meanwhile, petitioners are directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

It is contended that in pursuance of the order dated 13.05.2016, the petitioners have joined the investigation.

The learned State counsel, on instructions submits that the petitioners have joined the investigation and they are not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 13.05.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

14.09.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No