

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

CRM-M-10953-2017(O&M)

Date of Decision : 20.9.2017

Sher Singh and others

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr.Lalit Pathak, Advocate
for the petitioners.

Mr.K.S. Aulakh, DAG, Punjab.

H.S.MADAAN, J. (ORAL)

CRM-29611-2017

This is an application for placing on record affidavits
of petitioners.

The affidavits of the petitioners are taken on record.

Application stands allowed accordingly.

CRM-M-10953 of 2017

Learned State counsel has placed on file the status
report in terms of which the local police has verified from the passport
office that the petitioners are not possessing passports.

Learned State counsel submits that the petitioners
have since joined the investigation and their custodial interrogation is not
required.

Learned counsel for the petitioners has contended that
initially the FIR was registered for the offences under Sections 341, 323,

325, 186, 506, 148 and 149 IPC and offence under Section 3 of SC & ST Act was added later on. It is stated that Jagtar Singh, who had allegedly uttered derogatory words touching the caste of complainant has already been arrested and petitioners had not used any such words. It is further submitted that petitioners themselves belong to scheduled caste community, as such provisions of Section 3 of SC & ST Act are not attracted. Learned counsel for the petitioners contends that FIR is a counter blast to the civil proceedings inasmuch as a suit for permanent injunction has been filed by petitioners No.1 and 2 against complainant Karamjit Kaur. Nevertheless during the trial it can be seen whether offence under Section 3 of SC & ST Act is made out or not.

Keeping in view the fact that petitioners have joined the investigation and their custodial interrogation is not required since recovery has been made as stated by State counsel, the petition deserves to be accepted.

Under the circumstances, the interim bail granted to the petitioners on 3.4.2017 is made absolute, subject to their fulfilling conditions under Section 438(2) Cr.P.C.

The petition stands allowed accordingly.

20.9.2017
Brij

(H.S. MADAAN)
JUDGE

Whether reasoned/speaking : **Yes/No**
Whether reportable : **Yes/No**