

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

Criminal Misc. No.M- 26230 of 2017(O&M)

Date of Decision: November 7, 2017.

Lakhbir Singh @ Rinku and others

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Imran Farooqi, Advocate for
Mr. Karambir Singh Kahlon, Advocate
for the petitioners.

Mr. Rahul Rathore, DAG, Punjab

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.39 dated 22.05.2017 under Sections 295A/341/323/506/354 IPC, Section 3 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, the 'SC/ST Act') and Section 66A of the Information Technology Act, 2000, registered at Police Station Mattewal, District Amritsar.

It is not in dispute that the offence punishable under Section 3 of the SC/ST Act has since been deleted on 22.06.2017.

Learned counsel for the petitioners submits that the abovesaid FIR has been registered as a counter-blast to FIR No.24 dated 20.04.2017 under

Sections 323, 324, 506, 148, 149 IPC, Police Station Mattewal, District Amritsar Rural. The said FIR No.24 dated 20.04.2017 has been registered at the instance of Balwinder Singh who is the paternal uncle (Chacha) of petitioner No.2 and father of co-accused (non-applicant Joban Singh). Moreover, the petitioners have joined investigation and they undertake to face the proceedings and not misuse the concession of anticipatory bail, if afforded to them. Therefore, it is prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Durlabh Darshan, verifies the deletion of the Section 3 of the SC/ST Act. Pendency of FIR No.24 dated 20.04.2017 is affirmed. Learned counsel for the State further verifies that the petitioners have joined investigation pursuant to order dated 17.08.2017. Their custodial interrogation is not required.

There are no allegations on behalf of the State that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 17.08.2017 is made absolute.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

November 7, 2017.
'om'

(**LISA GILL**)
JUDGE

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