

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

**CRM-M-46934-2017
Date of decision: 09.03.2018**

Gurwant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Bipan Ghai, Sr. Advocate, with
Mr. Kanwarbir Sidhu, Advocate,
for the petitioner.

Mrs. Anju Arora, Addl. Advocate General, Punjab.

Mr. Jaswinder Singh Grewal, Advocate,
for the complainant.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 438 Cr.P.C.
for grant of anticipatory bail to the petitioner in case FIR No. 155 dated
04.10.2017 under Sections 3(1)(x) SC/ST Act and Section 506 IPC,
registered at Police Station Sadar Shri Muktsar Sahib.

This Court was pleased to pass the following order on
13.12.2017 :-

*“Learned senior counsel for the petitioner
contends that an FIR No. 96 dated 20.08.2016 under
Sections 363 & 366-A IPC was registered at Police
Station Sadar Shri Muktsar Sahib, in which the name of
the petitioner Gurwant Singh son of Jagroop Singh did
not find any mention. It is only subsequently 14 months
later second FIR No. 155 dated dated 04.10.2017 was*

registered at Police Station Sadar Shri Muktsar Sahib by invoking the provisions of Sections 3(1)(x) of the SC/ST Act and 506 IPC. It is contended that reading of the said FIR would not show that any alleged utterance of abusive words regarding caste of the complainant is stated to have been in full public view, therefore, Section 18 of the SC/ST Act would not be attracted. It is also argued that the daughter of the petitioner, namely, Amritpal Kaur and Jagmeet Singh have already solemnized a marriage as far back as 1½ year ago, out of which wedlock there is a minor child.

Mr. Jaswinder Singh Grewal, Advocate, puts in appearance on behalf of the complainant and submits that the complainant is facing harassment at the hands of the petitioner herein and argues that Section 3(1)(x) of the SC/ST Act has rightly been invoked.

I have heard learned counsel for the parties and have also gone through the FIR.

Notice of motion.

*To be heard along with **CRM-M-40113-2017**.*

*In view of the fact that the daughter of the complainant has already got married and had appeared in this Court in **CRM-M-40113-2017** stating that she was happily residing with her husband, this Court deems it appropriate at the present moment to allow the interim bail to the petitioner herein to put a quietus to the litigation pending between the parties. Consequently, in the meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.*

However, it is made clear that in case there is any violation by the petitioner, the complainant is at liberty to approach this Court for cancellation of bail.”

Learned counsel for the petitioner submits that the petitioner has joined the investigation.

Learned counsel for the respondent-State confirms the factum of joining investigation by the petitioner.

Since the petitioner has joined the investigation, the petition is allowed and interim order dated 13.12.2017 is hereby made absolute subject to the condition that the petitioner will not tamper with evidence or hamper the investigation; will not leave India without permission of the Court and will comply with the conditions contained in Section 438(2) Cr.P.C.

09.03.2018

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.