

**204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-6891-2019
Date of decision-22.05.2019**

Kewal Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. A.S.Brar, Advocate for the petitioner.
Mr. Kirat Singh Sidhu, DAG, Punjab.
Mr. Rajesh Bhatheja, Advocate for the complainant.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.1 dated 01.01.2019 under Sections 325, 341 and 506 of Indian Penal Code (Sections 3 and 4 of SC/ST Act added later on) registered at Police Station Dharamkot, District Moga. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 14.02.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the petitioner was one of the contestant for the elections of Gram Panchayat. The offences are bailable except the offence punishable under Sections 3 and 4 of the SC/ST Act. He further contends that his application for pre-arrest bail was dismissed by the Sessions Court as not maintainable, in view of the prohibition contained in Section 18 of the Act. The alleged utterance is just an abuse and there is nothing to indicate that the complainant belongs to the Scheduled Castes/Scheduled

Tribes Caste Category and the petitioner was even aware of the same. According to him, the offence as alleged under Sections 3 and 4 of the SC/ST Act may not be made out.

Notice of motion for 25.03.2019.

In the meanwhile, petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Surjeet Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Surjeet Singh further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 14.02.2019 is made absolute. However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

The petition stands allowed.

22.05.2019

vanita

Whether speaking/reasoned :

Whether Reportable :

Yes

Yes

(MANOJ BAJAJ)
JUDGE

No

No