

CRM-M-11452-2018

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

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Date of Decision: 11.02.2019

Jagdeep Singh @ Jagi

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. H.P.S.Ghuman, Advocate,
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Ferry Sofat, Advocate,
for the complainant.

INDERJIT SINGH, J. (Oral)

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.11 dated 16.02.2018, registered at Police Station Amloh, District Fatehgarh Sahib, under Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 506 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of respondent No.1-State and complainant also appeared through his counsel. They contested this petition.

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I have heard learned counsel for the parties as well as learned State counsel and gone through the record.

From the record, I find that FIR, in the present case, was registered at the instance of Sarabjit Singh. From the allegations in the FIR, it is clear that there is money transaction between the parties and the complainant has to take ₹5,75,000/- from the present petitioner. As per the FIR, the alleged words have been used on the mobile phone regarding which the complainant has the recording. This fact clearly shows that these words have not been used in the public view. Secondly, there is also no mention in the FIR as to which caste, the accused belongs and as to which caste, the complainant belongs.

Learned counsel for the petitioner submits that in view of the averments in the FIR, necessary ingredient regarding the fact that these words were used intentionally to disrepute the complainant by naming his caste, is not made out.

In pursuance of the interim order dated 19.03.2018 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Therefore, no useful purpose will be served by sending him to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 19.03.2018, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the

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investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

11.02.2019
parveen kumar

(INDERJIT SINGH)
JUDGE

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