

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

208-2

CRM-M-9439-2019 (O & M)
Date of Decision:23.10.2019

Mehal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Manoj Kumar, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

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.74 dated 02.06.2018 under Sections 323, 341, 342, 506, 148, 149 IPC, (Sections 365, 325 IPC and Section 3(2)(va) of SC/ST Act, 1989 added later on), registered at Police Station Ghagga, District Patiala. The petitioner apprehended his arrest at the hands of Police.

Since the FIR includes the offence punishable under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and the petition under Section 438 Cr.P.C. is not maintainable in view of the bar contained in Section 18 of the said Act, therefore, present petition is treated under Section 482 Cr.P.C. as there exist reasonable grounds for exercise of inherent powers.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 01.03.2019 whereby while issuing notice of

motion to the respondent-State, the interim protection was extended to the petitioner.

Vide order dated 27.05.2019, the petitioner was again directed to join the investigation.

Learned counsel for the petitioner further contends that in deference to the said orders, 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 on instructions from ASI Kulwant Singh does not dispute this fact that the petitioner has joined the investigation. He 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 01.03.2019 is made absolute.

23.10.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No