

CRM-M-15946-2019

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

CRM-M-15946-2019

Date of Decision: 02.05.2019

Lakhvir Singh @ Lakhi @ Lakhvinder and others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Vivek Salathia, Advocate,
for the petitioners.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

Mr. Gurbir Singh Sidhu, Advocate,
for the complainant.

INDERJIT SINGH, J. (Oral)

Petitioners-Lakhvir Singh @ Lakhi @ Lakhvinder, Jassi Singh @ Hapreet Singh, Mani Singh @ Manpreet Singh and Karamjit Singh have 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.15 dated 14.03.2019, registered at Police Station Rureke Kalan, District Barnala, under Sections 323, 325, 506, 148 and 149 of the IPC and Sections 3(10) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act), 1989 (added later on).

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and complainant has also appeared through his counsel. They contested this

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petition.

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

Perusal of record shows that on 14.03.2019, FIR was registered only under Sections 323, 325, 506, 148 and 149 of the IPC. Perusal of FIR shows that there are no specific words regarding caste, but it is simply written that while beating the complainant, the accused remained abusing him against his caste. The offence under Section 3(10) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act), 1989, has been added later on.

In pursuance of the interim order dated 08.04.2019 passed by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation. Therefore, no useful purpose will be served by sending them 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 08.04.2019, granting interim bail to the petitioners, is made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

02.05.2019

parveen kumar

(INDERJIT SINGH)
JUDGE

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