

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

**CRM-M No.37016 of 2018
Decided on: 19.03.2019**

Vivek Jaidka and others

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sandeep Gahlawat, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

Mr. H.S. Aujla, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.0251 dated 24.07.2018 registered under Sections 3 and 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) and 30 of the Arms Act, 1959 at Police Station Shimlapuri, District Police Commissionerate, Ludhiana.

The operative part of the order dated 28.08.2018, vide which interim anticipatory bail has been granted to the petitioners, is reproduced as under:-

“....Learned counsel for the petitioners submits that vide order dated 20.08.2018, co-accused Ashok Jaidka and another have been granted the concession of interim anticipatory bail, by passing the following order: -

Learned counsel for the petitioners has submitted that petitioner No.1 has got an FIR No.69 dated 13.04.2017 registered under Sections 323, 341, 452, 427, 506, 148 and 149 IPC at Police Station Shimlapuri, District Police Commissionerate Ludhiana and in the meantime, the daughter of the complainant has also approached the National Commission for Scheduled Castes and Scheduled Tribes by moving an application dated 07.04.2017, in which a direction was issued to the Commissioner of Police, Ludhiana that the application of Navpreet Kaur be enquired and further, the Commissioner of Police, Ludhiana may register a case against the accused under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act and under the Arms Act, after conducting an enquiry. It is further submitted that subsequent thereto, no enquiry was conducted by the Commissioner of Police, Ludhiana and after obtaining a report from the District Attorney (Legal), the present FIR has been registered.

Learned counsel for the petitioners has further submitted that the National Commission for Scheduled Castes vide its recommendation dated 24.04.2018 has further recommended that the local police has not conducted the investigation of FIR No.69 dated 13.04.2017, in a fair and transparent manner and the same is required to be cancelled against accused – Pritam Singh (complainant in the present FIR) and a supplementary challan under Section 173(8) Cr.P.C. be submitted in the Court, a power which vest with the Court and therefore, no such direction can be issued.

Learned counsel for the State, on instructions from ASI Jagtar Singh, assisted by learned counsel for the complainant, could not give a satisfactory reply to the Court query if the Commissioner of Police, Ludhiana has conducted an enquiry before registration of the present FIR or not.
Notice of motion for 27.11.2018....”

Counsel for the petitioners has submitted that, in pursuance to the order dated 28.08.2018, the petitioners have appeared before the Investigating Officer and has joined the investigation.

Counsel for the State, on instructions from ASI Daljit Singh, has not disputed the aforesaid fact and submits that the petitioners are no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioners vide order dated 28.08.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

19.03.2019
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No