

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22131-2019

Date of decision: 26.08.2019

Sukhwinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. M.S. Dhami, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Apanjyot Singh Virk, Advocate for
Mr. P.S. Thiara, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.0059 dated 11.04.2019 under Sections 3(1)(p) & 3(1)(q) of SC&ST Act, registered at Police Station City Hoshiarpur, District Hoshiarpur.

While granting interim bail to the petitioner, following order was passed by this Court on 21.05.2019: -

“...Learned counsel for the petitioner inter alia contends that initially the complainant had filed a complaint on similar allegations in the Court against the petitioner, which was dismissed on merit vide judgment dated 01.04.2019. Thereafter,

the complainant in a clandestine manner concealing the judgment of dismissal of his complaint, lodged FIR in question illegally on the same allegations. The co-accused of the petitioner has been granted anticipatory bail vide order dated 08.05.2019 passed in CRM-M-20872-2019. Therefore, the case of the petitioner is to be considered on the same parity as that of his co-accused....”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, petitioner has joined the investigation on 10.08.2019 and is not required for any further investigation.

Learned State counsel, on instructions from ASI Pritpal Singh, has not disputed the factual position and states that the petitioner is no more required for any further investigation.

Learned counsel for the complainant has however raised an objection regarding maintainability of this petition.

Without commenting anything on merits of the case, considering the fact that this petition is filed under Section 438 read with Section 482 Cr.P.C., same is allowed and the interim bail granted to the petitioner vide order dated 21.05.2019 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

26.08.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No