

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

**CRM-M No. 51779 of 2018
Date of Decision:-09.01.2019**

Krishan Kumar @ Hari Krishan Thapar and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Inderjit Sharma, Advocate
for the petitioners.

Mr. Harsimar Singh Sitta, AAG, Punjab.

Mr. Jasvir Singh Dhaliwal, Advocate
for the complainant.

MANOJ BAJAJ J.(Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in FIR No. 206 dated 29.10.2018, under Section 3(1)(r)(s) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989 (Amendment 2015), registered at Police Station Canal Colony, Bathinda, District Bathinda.

On 26.11.2018, this Court had passed the following order:-

“ Learned counsel for the petitioners contends that the alleged occurrence took place on 13.01.2018 and the present FIR has been recorded on 29.10.2018 for the offence punishable under Section 3(1) (r) (s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (in short 'of the Act of 1989'). Learned counsel has submitted that

at the instance of petitioner No.2, namely, Riya Thapar, a case FIR No.12 dated 16.01.2018 under Sections 354, 323 and 149 of Indian Penal Code already stands registered against the complainant at Police Station Canal Colony, Bathinda. As per Section 18 of the Act of 1989 the applicability of Section 438 Cr.P.C is prohibited, therefore, the petitioners have filed this petition under Section 482 invoking inherent powers to seek protection against the detention/arrest. There exist reasonable grounds to exercise power under Section 482 Cr.P.C.

Notice of motion for 09.01.2019.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer.”

Learned counsel for the petitioners contends that in pursuance of the order dated 26.11.2018, the petitioners have joined the investigation.

Learned State counsel on instructions of ASI Gurjeet Singh submits that the petitioners have joined the investigation and they are not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 26.11.2018, is made absolute.

The petition stands allowed.

January 09, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No