

CRM-M-33541-2019 (O&M)
Date of Decision : 01.10.2019

Gurjant Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Raman Goklaney, Advocate
for the petitioner.

Mr. Harbir Sandhu, Asstt.A.G., Punjab
for the respondent-State.

Mr. Tarun Sharma, Advocate
for the complainant.

FATEH DEEP SINGH, J. (ORAL)

The petitioner-Gurjant Singh has come up in this bail application under Section 438 Cr.P.C. in a case bearing FIR No.42 dated 25.06.2019 under Sections 354/452 of the Indian Penal Code (Sections 3 & 4 of the SC & ST Act, 1989 added subsequently vide DDR No.27 dated 23.07.2019) registered at Police Station Mallanwala, District Ferozepur.

The present case was got registered by a young lady, aged around 23 years, alleging that on 17.06.2019, while she was alone at home, the petitioner/accused-Gurjant Singh came to her house and sought to borrow a spade and when the complainant went inside the room to pick up the same, it is alleged that the accused tried to outrage her modesty and, thereafter, fled away.

Learned counsel for the petitioner *inter alia* contends that the petitioner was granted interim bail vide order dated 05.07.2019 passed by the Court of the learned Sessions Judge, Ferozepur which was confirmed on 11.07.2019 and it is subsequent thereto, the present offences under Sections 3 & 4 of the SC & ST Act, 1989 were added and thus, there was no cause for custodial interrogation besides the fact that there is no element to attract the offences under Sections 3 & 4 of the SC & ST Act, 1989, is made out.

On instructions from ASI Paramjit Singh, Police Station Mallanwala, District Ferozepur, the learned State counsel, assisted by Mr. Tarun Sharma, Advocate for the complainant, have not displaced the facts but has strongly opposed the bail but under the Statute the petitioner is not entitled to any relief by way of anticipatory bail and in view of the heinousness of the offences disentitles him to any relief.

Heard.

Admittedly, the petitioner was allowed anticipatory bail by the learned Sessions Judge, Ferozepur on 05.07.2019 and it is not

displaced even by the learned State counsel that as a consequence of that order, he was released on bail and, subsequently, thereto offences under Sections 3 & 4 of the SC & ST Act, 1989 have been added.

Without feeling the necessity to further advert, since the petitioner has already been allowed the relief and when the subsequent offences having been added, his further custodial interrogation is of no material cause. More so, it could not be brought to the notice of this Court how the petitioner knowingly and with the intention of insult and annoy and deprecate the complainant had committed offences under Sections 3 & 4 of the SC & ST Act, 1989 which *prima facie* do not stand attracted.

Keeping in view the above, nothing is to be recovered from the petitioner and it would be travesty of justice to send the petitioner behind the bars.

In light of the same, the present petition is allowed. Petitioner-Gurjant Singh would appear before the Investigating Officer within 15 days from today and shall fully cooperate in the investigations. On his doing so, the petitioner shall be released on interim bail to the satisfaction of arresting/investigating officer till submission of report under section 173 Cr.P.C. (challan). He shall also abide by the conditions specified under section 438 (2) Cr.P.C. Thereafter, on presentation of challan, petitioner will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

01.10.2019

Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No