

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

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CRM-M-36298-2019

Date of decision : 16.11.2019

Nashatar @ Nashtter Singh and others

... Petitioners

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Vipul Aggarwal, Advocate for the petitioners.

Mr. K.K. Bheniwala, Addl. A.G., Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioners are seeking anticipatory bail in FIR No.145 dated 19.08.2019, under Sections 341, 323, 324, 148 and 149 of the Indian Penal Code, 1860, besides, Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SC & ST Act' – for short), registered at Police Station Gate Hakima, District Amritsar.

Learned counsel for the petitioners contends that the incident is the outcome of a sudden quarrel between the neighbours. He also contends that the head injury, which has been caused to the complainant, is attributed to petitioner No.1 and co-accused Kala. He also contends that petitioners No. 2 to 4 have only been attributed simple injuries. They are not involved in any other case and the allegations do not *prima facie* constitute any offence under the SC & ST Act.

Petition qua petitioner No.1 had been withdrawn by learned counsel for the petitioner on 02.09.2019.

This Court, by order dated 02.09.2019, had directed petitioners No.2 to 4 to appear before the Investigating/Arresting Officer and join the investigation and in

the event of their arrest, they were to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, upon instructions from ASI Satpal Singh, states that in terms of the order passed by this Court on 02.09.2019, petitioners No.2 and 3 have joined investigation and are not required for custodial interrogation. Petitioner No.4, namely, Navdeep Singh has not joined investigation.

At this stage, learned counsel for the petitioners contends that he does not want to press this petition qua petitioner No.4 and has filed an affidavit of petitioner No.4 in this regard, which is taken on record.

Petition qua petitioner No.4, namely, Navdeep Singh is dismissed as not pressed.

In view of the submissions of learned counsel for the petitioners and petitioners No.2 and 3 having joined investigation and not required for custodial interrogation, the order dated 02.09.2019 granting interim bail to petitioners No.2 and 3 is made absolute.

However, petitioners No.2 and 3 shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

November 16, 2019

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Whether speaking/reasoned	:	Yes
Whether Reportable	:	Yes/No