

THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-46991-2019(O&M)
Date of Order: 27.11.2019

Kuldeep Singh @ Kuljeet Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Viranjeet Singh Mahal, Advocate
for the petitioners.

Mr. SPS Tinna, Addl. A.G., Punjab

Mr. Kashish Garg, Advocate
for the complainant.

ANIL KSHETARPAL, J(Oral)

Learned counsel for the petitioners contends that offence under Sections 3 and 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are not made out against the petitioners.

From the reading of the FIR, it is debatable as to whether offence under Sections 3 and 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 are made out or not?

On 07.11.2019, following order was passed:-

“Petitioners pray for grant of pre-arrest bail in FIR No.77, dated 04.10.2019, registered under Sections 452/341/506 IPC and Sections 3 and 4 of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Nandgarh, Bathinda.

Gist of the case of the prosecution as noticed by the learned Court of Sessions while disposing of the application for grant of pre-arrest bail is extracted as

under:-

“The present FIR was registered on the application moved by complainant Natha Singh to the effect that his son Buta Singh is a labourer in the village Jangirana. Some days ago his son went to do the work of Kaka Singh. There arose a dispute between Kaka Singh and Daljit Singh and a false allegation was leveled against his son that he helped Kaka Singh and they visited along with respectable persons of village for effecting compromise at the house of accused along with his son Buta Singh. When they reached at their house accused Nohana Singh man handled his son and abused him and caused injuries. After some days Daljit Singh inflicted injuries to his son and he also used filthy language against his son and also threatened them to leave the village Bambiha. After some days, when his son Buta Singh went to his work the accused followed his son and tried to kill him and Jagga Singh, Jagdev Singh etc. saved his son from the clutches of accused persons.”

Learned counsel for the petitioners submits that the petitioners have been falsely implicated. In fact, initially a panchayati compromise was arrived at between the parties but later on, the settlement did not materialized. He further drew attention of the court to the enquiry conducted by the police officials.

Notice of motion for 27.11.2019.

On asking of the Court, Mr. Hittan Nehra, Addl. A.G., Punjab, accepts notice on behalf of the State. A copy of the petition be handed over to Mr. Hittan Nehra, Addl. A.G., Punjab, during the course of the day.

Mr. Kashish Garg, Advocate, has put in appearance and accepts notice on behalf of the complainant.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C. ”

Learned counsel for the State, on instructions from ASI Tarlok

Chand, who is present in Court, has submitted that the petitioner in this case

has joined the investigation, cooperated and is not required for further

custodial interrogation. In view thereof, interim order dated 07.11.2019 passed by this Court is made absolute.

Accordingly, the present petition is allowed.

November 27, 2019
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(ANIL KSHET ARPAL)
JUDGE

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