

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

CRM-M-13240 of 2020 (O&M)

Date of Decision : 03.09.2020

Manmohan Singh and another

... Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Rahul Dev Singh, Advocate,
for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. C. L. Pawar, Advocate
for the complainant.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petitioners seek anticipatory bail in FIR No.8 dated 15.02.2019, under Sections 409, 120-B of IPC and Sections 3 (1) (b) and 3 (1) (c) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Hajipur, District Hoshiarpur.

2. On a query of this Court, learned State counsel, under instructions submits that pursuant to order dated 12.06.2020, petitioners have joined the investigation and cooperated with the investigating officials and, therefore, their custodial interrogation is not required.

3. On the other hand, learned counsel for the complainant relies on an opinion rendered by Deputy District Attorney (Legal) Hoshiarpur in support of his argument that prima facie offences under sections 409, 120-B IPC read with Section 3 (b) and (c) of Scheduled Castes and Scheduled Tribes

(Prevention of Atrocities Act), 1989 against the petitioners are made out and, therefore, they are not entitled to any concession by this Court.

4. Ordinarily, the argument of learned counsel for the complainant would have been some worth in a situation where the petitioners were required for custodial interrogation. That being not the case, since they have joined the investigation and are already being investigated and have cooperated, therefore, I am of the opinion that their custodial interrogation is not required.

5. In the premise, present petition is disposed of with an observation that, in case petitioners do not cooperate, prosecution would be at liberty to seek appropriate orders from this Court seeking their arrest. However, it is made clear that no coercive steps shall be taken against the petitioners, unless a case is made out to do so and that too with prior permission of this Court.

SEPTEMBER 03, 2020
vandana

(ARUN MONGA)
JUDGE

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