

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(201-2)

CRM No. M-14209 of 2020

Date of Decision : 01.07.2020

Balwinder Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Jasraj Singh, Advocate for the petitioner.

Mr. Joginder Pal Singh Ratra, DAG, Punjab.

Mr. Loveneet Thakur, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

The petition has been taken for hearing through video conference due to Covid-19 pandemic.

The petitioner is seeking anticipatory bail in FIR No. 53 dated 11.05.2020, under Sections 324, 323, 452, 506, 34 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Chabbewal, District Hoshiarpur.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 08.06.2020. Order dated 08.06.2020 is as under:-

“The petition has been taken for hearing through video conference due to Covid-19 pandemic.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in respect of FIR No. 53, dated 11.05.2020, under Sections 323, 324, 452, 506, 34

IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Chabbewal, District Hoshiarpur.

Learned counsel for the petitioner states that petitioner has wrongly been roped in the present case. Learned counsel for the petitioner further states that co-accused of the petitioner, namely, Gagandeep Singh, whose anticipatory bail application was also rejected by the same impugned order dated 21.05.2020, has been granted the benefit of anticipatory bail by this Court while deciding CRM No. M-13247 of 2020 on 29.05.2020 and, therefore, on the basis of the parity, petitioner is also entitled for the benefit as extended to co-accused Gagandeep Singh.

Notice of motion.

Mr. Ajay Pal Singh Gill, learned Deputy Advocate General, Punjab, who has also joined the proceedings through video conference, accepts notice on behalf of the respondent-State keeping in view the service of advance copy of petition.

Learned State counsel very fairly concedes that the bail of co-accused, namely, Gagandeep Singh, was rejected by learned Additional Sessions Judge, Hoshiarpur by the same impugned order, which has been impugned in the present petition. Co-accused, Gagandeep Singh, has been granted the benefit of anticipatory bail by this Court while hearing CRM No. M-13247 of 2020. Learned counsel appearing on behalf of the State as well as learned counsel for the complainant concede that allegations against the petitioner and co-accused, Gagandeep Singh, are identical including that of Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

I have heard learned counsel for the parties and have gone through the record carefully.

Once, it is not disputed that the co-accused of the petitioner, who also had challenged the same impugned order,

*has been extended the benefit of anticipatory bail by this Court while deciding CRM No. M-13247 of 2020 on 29.05.2020, the claim of the petitioner for the grant of the same benefit on the ground of parity, is meritorious. Learned counsel appearing on behalf of the respondent-State as well as complainant have not pointed out any differentiable fact between the petitioner herein and Gagandeep Singh, against whom the same allegations were alleged. The order passed by this Court in CRM No. M-13247 of 2020 titled as **Gagandeep Singh Vs. State of Punjab**, dated 29.05.2020 is as under :-*

“The petitioner Gagandeep Singh has filed the present petition inter alia with a prayer to grant pre-arrest bail to him. The petitioner has been allegedly involved in case FIR No.53 dated 11.05.2020 registered at PS Chabbewal, District Hoshiarpur under Sections 324/323/452/506/34 IPC and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel for the petitioner submits that the petitioner is a young boy only of 20 years of age. He has been falsely implicated.

On a specific query raised by the Court, counsel for the complainant and the State counsel only made reference to the allegations in the FIR to support that there was enmity between the petitioner and the complainant.

Learned counsel for the petitioner also submits that the provisions of various Acts have been abused only to add the allegations in the FIR. He also submits that the petitioner is a student and because of the present COVID situation, the petitioner was stranded in the village whereas he has to pursue his studies. Counsel for the

petitioner further submits that there was a delay in registering in the FIR.

Notice of motion.

On the asking, Mr. Luvinder Sofat, AAG Punjab accepts notice on behalf of the State of Punjab and Mr. RS Dhir, Advocate who is present also accepts notice on behalf of the complainant, through video conferencing.

Without commenting upon the merits of the case and without recording any opinion, in the peculiar facts and circumstances of the present case, this Court deems it appropriate to direct the petitioner to join the investigation and appear before the Investigating Officer on 05.06.2020.”

Keeping in view the facts and circumstances noted above, especially, when co-accused of the petitioner, namely, Gagandeep Singh, has been granted the benefit of the anticipatory bail, against whom the similar allegations were alleged, the benefit of anticipatory bail is liable to be extended to the petitioner on the ground of parity.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions :

- (i) That he shall make himself available for interrogation by the police officer as and when required.*
- (ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the*

Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.

Adjourned to 01.07.2020.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Satwinder Singh states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required.

In view of the above, the order dated 08.06.2020 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the police that petitioner is required for the investigation but is not co-operating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

July 01, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No