

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

CRM-M-14632-2020 (O&M)

Date of decision : 17.06.2020

Mehar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. P.B.S. Goraya, Advocate for the petitioner.

Mr. Surinder Pal Singh Tinna, Additional A.G. Punjab.

Mr. Himmat Singh Sidhu, Advocate for the first informant.

ANIL KSHETARPAL, J. (ORAL)

On 10.06.2020, following order was passed by this Court:-

“The petitioner prays for grant of pre-arrest bail in a criminal case arising out from FIR No.74, dated 17.03.2020 registered under Sections 3/4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Sadar, District Tarn-Taran.

In a nutshell, the case of the prosecution is that the petitioner along with his co-accused had abused the first informant, the Sarpanch of the Gram Panchayat on 07.08.2019. The petitioner also used derogatory words with respect to the community of the first informant so as to humiliate him.

Hearing of the case was held through video conferencing on account of lock-down.

Learned counsel for the petitioner contends that with regard to the very same incident, an FIR No.221 dated 16.08.2019 was registered against the petitioner but there were no allegations falling under Sections 3/4 of the

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. He submits that after a period of more than 6 months, another FIR with regard to same incident has been got lodged by incorporating the allegations so as to attract the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Notice of motion for 17.06.2020.

On asking of this court, Mr. S.P.S.Tinna, Additional Advocate General, Punjab, accepts notice on behalf of the State.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner 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 SI Baljit Kaur, submitted that the petitioner has joined investigation, cooperated and not required for further custodial interrogation, at this stage.

Learned counsel for the first informant also admits that the incident in both the FIRs is same.

In view thereof, order dated 10.06.2020 passed by this Court is made absolute.

Accordingly, the present petition is allowed.

17.06.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No