

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

CRM-M-16703-2020 (O&M)

Date of Decision: 27.08.2020

Jugal Kishore

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. B.D.Sharma, Advocate
for the petitioner.

Mr. S.S.Deol, DAG, Punjab.

Mr. Ish Puneet Singh, Advocate
for the complainant.

Mr. Deepak Arora, Advocate
for one of the victim-Gian Chand.

HARNARESH SINGH GILL, J. (ORAL)

Case is being taken up for hearing through video conferencing.

CRM-21119-2020

This is an application under Section 482 Cr.P.C. for impleading
the applicant-complainant-Paramjit Singh as respondent No. 2.

Notice in the application.

Mr. B.D.Sharma, Advocate accepts notice on behalf of the
petitioner and submits that he has no objection.

Application is allowed and Paramjit Singh son of Late Dev Raj,
aged about 47 years, resident of Village Randhawa Masandan, Police
Station Maqsudan, District Jalandhar is impleaded as respondent No. 2.
Amended memo of parties is taken on record.

CRM-21121-2020

This is an application under Section 482 Cr.P.C. praying for
placing on record the short reply by way of affidavit along with Annexures

Notice in the application.

Mr. B.D.Sharma, Advocate accepts notice on behalf of the petitioner and submits that he has no objection.

Application is allowed and the short reply along with documents mentioned therein are taken on record.

CRM-M-16703-2020

Through the instant petition under Section 438 of Cr.P.C., the petitioner seeks anticipatory bail in FIR No. 87 dated 12.06.2020, registered under Sections 323, 295 IPC, 1860 read with Section 3(1) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Maqsudan, District Jalandhar.

On 26.06.2020, this Court passed the following order :-

“Case is being taken up for hearing through video conferencing.

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 87 dated 12.6.2020 under Sections 323, 295 IPC read with Section 3(1) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Maqsudan, District Jalandhar.

Learned counsel for the petitioner submits that the offending word relating to caste does not in any manner show commission of offence under Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Learned counsel further states that the land, on which the construction was going on, is a shamlat land. He further submits that petitioner is a Lambardar of the village and he has filed a suit for permanent injunction against the Bhavan through earlier President and Gram Panchayat which was decreed on 11.12.2018 but since the Gram Panchayat was in

hand in glove with the complainant, the said judgment and decree was not implemented.

Learned counsel further submits that thereafter the petitioner and other co-villagers were forced to file CWP No. 18901 of 2019 in which notice of motion was issued but the said petition was dismissed in default on 24.2.2020 as counsel could not appear on that date. The petitioner has also moved an application bearing CM No. 3605-CWP of 2020 for restoration of the writ petition which is pending for 22.7.2020. Learned counsel also submits that the injuries on the person of the complainant are simple in nature. He has relied upon Dr.Subhash Kashinath Mahajan versus State of Maharashtra 2018(2) RCR (Criminal) 552.

Notice of motion.

On the asking of the Court, Mr. Ajay Pal Singh Gill, DAG, Punjab accepts notice on behalf of the State.

Mr. Ish Puneet Singh, Advocate has appeared and accepted notice on behalf of the complainant.

Learned State counsel, assisted by learned counsel for the complainant, has pointed out that there are some other complaints against the petitioner and he has specifically raised caste based remarks against the complainant and other members of the society.

Adjourned to 27.8.2020.

Meanwhile, petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.”

Learned counsel for the petitioner states that pursuant to the order dated 26.06.2020 passed by this Court, the petitioner has joined the investigation.

Learned State counsel on instructions from SI Raghbir Singh states that the petitioner has joined the investigation and he is not required for any further investigation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 26.06.2020 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(HARNARESH SINGH GILL)
JUDGE

27.08.2020
Maninder

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