

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

CRM-M-23283-2020

Date of decision: 24.08.2020

Taranjeet Singh and others

....Petitioners

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Swarn Tiwana, Advocate
for the petitioners.

Mr. Jagmohan Ghuman, DAG, Punjab
for the respondent-State

FATEH DEEP SINGH, J.(ORAL)

Due to outbreak of pandemic COVID-19, the instant case
is being taken up for hearing through video conferencing.

Notice of motion to the official respondent-State.

Mr. Jagmohan Ghuman, DAG, Punjab puts in appearance
and accepts notice on behalf of the official respondent-State. Copy of
the paper book be supplied.

The allegations against the petitioners have come about
from the complainant-Harjit Singh alleging that he was tenant of
accused/petitioner-Taranjeet Singh and that on account of lockdown
and curfew, he could not pay the rent and other subsidiary charges
for some time. It is alleged that the accused/landlord, along with his
accomplices, attacked the complainant, his wife and son by means of

iron *takua*, as a consequence of which, injury has been caused to the complainant. Initially, the police has registered the present FIR under Sections 323/341/506/148/149 of the Indian Penal Code and subsequently, after two months, offence under Section 3 (i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act was added after the accused/petitioners were released on bail by the Investigating Officer.

Learned counsel for the petitioners *inter alia* contends that the belated addition of offence under Section 3 (i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is on account of hostility of the complainant to ensure that petitioners are not released on bail and that on the bare perusal of the FIR, no offence under these provisions appears to be made.

The learned State counsel though does not displace the facts but has opposed the grant of bail on the ground that being an offence under Section 3 (i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act disentitles them to any relief.

Be so as it may, admittedly, the petitioners were initially released on bail by the Investigating Officer as all the offences were found bailable. It is after two months of the FIR, offence under Section 3 (i) (r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act was added and, thus, puts to doubt the very authenticity of the claim of the complainant and the applicability of the scheduled offences in light of the contents of the FIR.

Their joining investigation would suffice the purpose together. Keeping in view the situation of COVID-19 pandemic, this Court deems it imperative to allow the present petition. Accordingly, petitioners are directed to appear before the investigating officer/Magistrate within a period of 15 days from the date of receipt of certified copy of this order and on their doing so, they shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioners shall continue to join investigation and shall furnish an undertaking that they shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, on presentation of challan, they will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

24.08.2020*Neha***(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No