

CRM-M-23555-2020

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

CRM-M-23555-2020

Date of decision:22.12.2020

Jaswinder Singh @ Jassa and others

...Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Deepak Aggarwal, Advocate for the petitioners.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Mr. S.S. Tiwana, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., read with Section 482 Cr.P.C. the petitioners seek anticipatory bail in case FIR No.165 dated 25.07.2020 registered under Sections 323, 341, 142, 506 IPC and Section 66-D of Information Technology Act, 2000, Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was added later on, at Police Station Sadar Nabha, District Patiala.

This Court, on 28.08.2020, passed the following order:

“Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., read with Section 482 Cr.P.C. the petitioners seek anticipatory bail in case FIR No.165 dated 25.07.2020 registered under Sections 323, 341, 142, 506 IPC and Section 66-D of Information Technology Act, 2000, Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was added later on, at Police Station Sadar Nabha, District Patiala.

Learned counsel for the petitioners submits that the

CRM-M-23555-2020

petitioners were having money dispute with the complainant and the same was settled through a written settlement dated 23.07.2020 (Annexure P-1), whereas the FIR was registered on 25.07.2020. There was no allegation qua the use of caste remarks against the complainant in the FIR but the same were added on the basis of subsequent statement recorded on 30.07.2020. He further submits that in lieu of the job work, the complainant used to take advance from the farmers but he failed to keep his promises. The only part of the petitioners in the present case is that they had asked the complainant to return their money.

Learned counsel for the petitioners further stated at bar that he has personally seen the video, wherein no such words have been uttered as alleged and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, was added later on.

Notice of motion.

On the asking of this Court, Mr. S.S. Deol, DAG Punjab accepts notice on behalf of the respondent-State.

At this stage, Mr. S.S. Tiwana, Advocate, appears on behalf of the complainant.

Learned State counsel assisted by the learned counsel for the complainant, submits that though the caste related words were not uttered in the video, yet the same came to be uttered at a subsequent stage.

Adjourned to 14.12.2020.

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

Learned counsel for the petitioners submits that pursuant to the order dated 28.08.2020 passed by this Court, the petitioners have joined the investigation.

Learned State counsel, on instructions from ASI Harjinder Lal, submits that the petitioners have joined the investigation and are now 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 28.08.2020 granting interim bail to the petitioners, is made absolute, subject to the

CRM-M-23555-2020

conditions laid down in Section 438(2) Cr.P.C.

22.12.2020
ishwar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No