

208 IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-33800-2020(O&M)

Date of decision: 29.10.2020

Surjit Singh @ Khilu and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.P.K.S.Phoolka, Advocate for the petitioners

Mr. Luvinder Sofat, AAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

On 21.10.2020, the following order was passed by this

Court:-

“The petitioners pray for grant of pre-arrest bail in a criminal case arising from FIR No. 402 dated 02.10.2020, registered under Section 323 & 342 IPC read with Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as “the 1989 Act”), at Police Station Sadar Mansa, District Mansa.

Learned counsel for the petitioners contends that the alleged dispute arose because while getting the demarcation conducted, the first informant tried to interfere in their possession. He further contends that the offence under Section 3 of the 1989 Act has been incorporated only to deprive the petitioners the remedy of pre-arrest bail. He further submits that there is a delay of six days in registering the FIR. He contends that from the reading of the FIR, the petitioners had allegedly abused the first informant at his house and not in public view.

Notice of motion.

On the request of the Court, Mr. Bhupender Beniwal, Assistant Advocate General, Punjab accepts notice on behalf of the respondent and prays for time to seek instructions.

Keeping in view the aforesaid facts, it is considered appropriate that let the petitioners join investigation.

In the event of arrest of the petitioners, they shall be released on interim pre-arrest bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners 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.

List on 29.10.2020”

Learned State counsel on instructions from DSP Gurmeet Singh, has submitted that the petitioners have joined investigation, cooperated and are not required for further custodial interrogation.

In view of the above, order dated 21.10.2020, is hereby made absolute.

The petition stands allowed.

29.10.2020
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No