

Sr.No.211

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

CRM-M-32725-2019

Date of decision:25.02.2020

Sukhvir Singh @ Kala

... Petitioner(s)

versus

State of Punjab

... Respondent (s)

CRM-M-33776-2019

Gurpreet Singh

...Petitioner

versus

State of Punjab

... Respondent

CRM-M-34558-2019

Avtar Singh

...Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Manish Kumar Singla, Advocate
for the petitioner(s) in
CRM-M-32725-2019 and
CRM-M-34558-2019.

Mr. Mohd. Yousaf, Advocate
for the petitioner in CRM-M-33776-2019.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

Mr. Gaurav Sharma, Advocate
for the complainant.

Jasgurpreet Singh Puri, J.(Oral)

This Order shall dispose of three petitions i.e CRM-M-32725-

2019, CRM-M-33776-2019 and 34558-2019. Petitions have been filed by Sukhvir Singh @ Kala, Gurpreet Singh and Avtar Singh respectively.

In the present case, FIR No.161 dated 16.06.2019 under Sections 341, 323, 324, 379-B, 365, 148, 149 IPC at Police Station Sadar Dhuri, District Sangrur was lodged against four accused, namely, Sukhvir Singh @ Kala, Avtar Singh, Jagjit Singh @ Joga and Kalu Singh. After investigation, another co-accused, namely, Gurpreet Singh who is the petitioner in CRM-M-33776-2019 was nominated on the basis of the disclosure statement made by one of the co-accused. According to learned counsel for the petitioners, the allegations contained in the FIR are that there was a protest by some of the villagers against the auction of shamlat land by the B.D.P.O and after the protest when some of the protesters were going back home, petitioners had made a gherao of them and gave multiple beatings to them, as a result they had suffered multiple injuries.

Learned counsel for the petitioners has further submitted that it was a case of rivalry in the village because the petitioner Sukvir Singh @ Kala is the present Sarpanch of the village and therefore, the petitioners have been roped in the present controversy and according to learned counsel for the petitioners they are not involved in the alleged occurrence. Learned counsel for the petitioners have further submitted that after lodging an FIR another DDR was also registered vide Annexure R-1 which is filed with the affidavit filed by the State in which one of the co-accused namely, Jagjit Singh @ Joga was attributed the allegation with regard to the caste of the complainant. He has further submitted that so far as this person is concerned, he has been exonerated by the police during the course of

investigation, therefore, the allegation under the SC & ST Act does not survive against the Jagjit Singh @ Joga. He has further submitted that there is no allegation against these three petitioners so far as invoking of SC & ST Act. Learned counsel for the petitioners has further submitted that in pursuance of the orders passed by this Court on 20.08.2019, 21.08.2019 and 22.08.2019 wherein they were granted interim protection by this Court, the petitioners have joined the investigation and are fully co-operating with the investigation process. Learned counsel for the petitioners in all the three cases have categorically submitted that they undertake to co-operate with the investigation process in future also and they would visit the police station whenever they are required by the police in this regard.

On the other hand, learned State counsel on instructions from ASI Darshan Singh who is the Investigating Officer of the case has submitted that so far as the allegations qua the invoking of provisions of SC & ST Act is concerned, it was only pertaining to one of the co-accused namely, Jagjit Singh @ Joga who has now been exonerated by the police. He has further submitted that there was no allegation against three petitioners so far as invoking of provisions of SC & ST Act is concerned. He has further submitted that in the present case, there were injuries to the complainant and therefore, matter was serious in nature.

Learned State counsel and also learned counsel for the complainant have submitted that it was a case where the petitioners had given beatings to the complainant and therefore, the present FIR was registered. According to them the contentions which have been made by learned counsel for the petitioners that they were not involved in the present case are not correct. So far as the joining of the investigation process in the

present case is concerned, learned State counsel on instructions states that it is correct that all the three petitioners have joined the investigation and fully co-operated the investigation process and they are no longer required for the investigation. He has further submitted that fourth co-accused namely, Kalu Singh has already been granted regular bail by the learned Trial Court.

I have heard the learned counsel for the parties and perused the available record. In the present case all the three petitioners were charged with the offence under Sections 341, 323, 324, 379-B, 365, 148, 149 IPC and they were not charged with any of the provisions of SC & ST Act. All the petitioners have admittedly joined the investigation and fully co-operated with the investigation process. In pursuance of the orders passed by this Court granting interim protection to the petitioners dated 20.08.2019, 21.08.2019 and 22.08.2019 they have already joined the investigation and fully co-operated with the investigation process and they are not required for custodial interrogation. The present petitions are therefore, allowed. The orders dated 20.08.2019, 21.08.2019 and 22.08.2019 passed by this Court are made absolute.

25th February, 2020

Shivani Kaushik

**[JASGURPREET SINGH PURI]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*