

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-37162 of 2019

Date of Decision: 16.01.2020

Bibha Devi and another

.....Petitioners

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MANOJ BAJAJ

Present: Mr.A.S.Khinda, Advocate for the petitioners.

Mr.P.S.Walia, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.159 dated 11.06.2017 under Sections 3(i) of the SC and ST (Prevention of Atrocities) Act, 1989, registered at Police Station City Kapurthala, District Kapurthala. The petitioners apprehended their arrest at the hands of Police.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 04.09.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Learned counsel for the petitioners contends that the complainant in FIR had faced a trial in a complaint case brought by petitioner No.1 under Section 138 of the Negotiable Instruments Act, 1881, wherein the complainant was acquitted. He submits that his prosecution in the said complaint is the ground for alleged commission of an offence punishable under Section 3(1) of SC/ST (Prevention of Atrocities) Act, 1989, in the present FIR. Considering the averments, there are reasonable grounds for exercising the inherent powers under Section 482 Cr.P.C. as provisions of Section 438 Cr.P.C. are not applicable in view of Section 18 of the Act.

Notice of motion for 16.01.2020.

In the meanwhile, petitioners shall join the investigation and would come present as and when called for and in the event of arrest, they shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer.”

Learned counsel for the petitioners further contends that in deference to the said order, the petitioners submitted themselves before the Police and joined the investigation. According to him, the petitioners cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Jaswant does not dispute this fact that the petitioners have joined the investigation. Learned counsel on instructions from ASI Jaswant further states that the petitioners are not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 04.09.2019 is made absolute.

16.01.2020

Anjal

[MANOJ BAJAJ]
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No