

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40166-2019 (O&M)

Date of Decision: 06.02.2020

Ashwani Kumar and another

.. Petitioners

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Munish Puri, Advocate for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

Mr. Vishal Munjal, Advocate
for the complainant.

...

Manoj Bajaj, J. (Oral)

CRM-3745-2020

Application is allowed, subject to all just exceptions. Annexure
P-8 is taken on record.

CRM-M-40166-2019

Petitioners have filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.28 dated 03.09.2019 under Section 3 SC/ST Act, 1989 and Section 506 IPC, registered at Police Station Narot Jaimal Singh, District Pathankot. They apprehended their arrest at the hands of Police.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 19.09.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

petitioners are brother-in-law and sister-in-law of the complainant and have been falsely implicated in this case as civil suit between the brothers i.e. Ramesh Kumar, husband of the complainant and petitioner No.1 is pending before the Civil Court in respect of the property dispute. He submits that even otherwise after marriage of the complainant with brother of petitioner No.1 which took place in the year 2012, it would be debatable if the offence punishable under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is strictly made out. He submits that as this petition is not maintainable under Section 438 Cr.P.C. in view of the bar contained in Section 18 of Act, therefore, upon oral request of the petitioner, this petition is treated under Section 482 Cr. P.C. as there are reasonable grounds for exercising the inherent powers.

Notice of motion for 06.02.2020.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of 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 Tarsem Singh does not dispute this fact that the petitioners have joined the investigation

and states that they 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 19.09.2019 is made absolute.

06.02.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No