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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40430-2019

Date of decision-10.02.2020

Sukhdev Singh and another

...Petitioners

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vishnu Dutt, Advocate for
Mr. Naveen Bawa, Advocate for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Bikramjit Aroura, Advocate for the complainant.

MANOJ BAJAJ, J.

This petition has been filed by the petitioners under Section 438 Cr.P.C read with Section 482 Cr.P.C for grant of anticipatory bail in cross case/GD No.23 dated 27.08.2019 under Section 3 (x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in FIR No.136 dated 08.08.2019 under Sections 427, 506, 452 and 148 read with Section 149 of Indian Penal Code, 1860 registered at Police Station Ghardinda, District Amritsar Rural. The petitioners apprehended their arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 20.09.2019 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 FIR No.0136 dated 08.08.2019 (Annexure P-2) was registered at the instance of petitioner No.1 and the present cross-version has been got recorded belatedly on 27.08.2019, through General Diary No.23 dated 27.08.2019. It is further pointed out that the allegations regarding commission of offence punishable under Section 3 (x) of The Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 are lacking the relevant particulars. There are reasonable grounds to exercise the inherent powers under Section 482 Cr.P.C.

Notice of motion for 10.02.2020.

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 counsel appearing on behalf of the complainant has opposed the prayer.

Learned State counsel who is assisted by SI Sukhdev Singh does not dispute this fact that the petitioners have joined the investigation and 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 20.09.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

10.02.2020

vanita	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No