

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

**CRM-M-54039-2019
Date of decision: 24.02.2020**

Sukhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. M. S. Dhami, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

Mr. R. P. Dhir, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 0203 dated 21.11.2019, registered under Sections 3(1)(r) & 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) at Police Station City Hoshiarpur, District Hoshiarpur.

The operative part of the order dated 18.12.2019, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner, inter alia, submits that the petitioner was granted interim bail in FIR No. 59 dated 11.4.2019 registered at Police Station City, Hoshiarpur, under Sections 3(1) (p) & 3(1) (q) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the interim bail was confirmed on 26.8.2019 in the presence of counsel for the complainant. At that stage, the counsel for the

complainant never brought it to the notice of the Court that another incident had taken place on 23.5.2019. Further, no complaint has been made to the police regarding the alleged incident of 23.5.2019. A representation was made to the National Commission for Scheduled Castes on 20.7.2019, in which for the first time, a reference was made to the incident of 23.5.2019. Thus, it is apparent that the story put-forth in the FIR is concocted. In any case, even if the case put-forth is accepted to be correct, there is no allegation that the castiest remarks were uttered within the hearing of public.

Notice of motion for 24.2.2020.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 18.12.2019, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Dharam Pal, assisted by learned counsel for the complainant, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 18.12.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

24.02.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No