

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.54466 of 2019

Date of Decision: January 17, 2020

Lakhwinder Singh alias Babbu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. N.P.S.Mann, Advocate,
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.143 dated 03.12.2019, under Sections 294 IPC, 3(i) of the SC and ST (Prevention of Atrocities) Act, 1989 and Section 67 of the Information and Technology (Amendment) Act, 2008, registered at Police Station, Nurpur Bedi, District Rupnagar. The petitioner apprehend his arrest at the hands of police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 19.12.2019, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner submits that the offensive words on account of which an offence punishable under

Section 3 (i) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989 has been invoked, was actually not uttered by the petitioner, Lakhwinder Singh alias Babbu Panch, but only by one Raman Kumar son of Kamal Kumar, i.e. his co-accused, with the video recording of the incident being available, showing the line being uttered by the said man and not by the petitioner. He further submits that though the said video recording is only of a duration of 30 seconds, in fact the FIR has also been registered on the basis of said video recording.

The contention of learned counsel, in response to a query by this Court as to whether before and after the 30 seconds recording, there is any other recording of the petitioner also having uttered any derogatory words, he replies in the negative. Without making any comment on that contention, at this stage, on the actual merits of the case what has been contended let notice of motion be issued returnable on 17.01.2020.

At the asking of the Court, Mr.B.S.Sewak, Additional Advocate General, accepts notice on behalf of learned State counsel. Two copies of this petition be handed over to him during the course of the day.

In the meanwhile, till the next date of hearing only and specifically, upon the petitioner joining investigation and complying with all conditions stipulated in Section 438(2) of the Cr.P.C., if he is sought to be arrested, he shall be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaqa officer.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Illaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

Learned State counsel as also the investigating officer, would go through the video recording and address arguments also obviously on the basis of any other material that they have

to show that the petitioner is actually involved in this case.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the police and joined the investigation. According to him, the petitioner 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 Inder Pal, does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions from ASI Inder Pal, further states that the petitioner is 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 19.12.2019 is made absolute.

Petition stands disposed off.

January 17, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No