

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-2494-2021 (O&M)
Date of Decision:-20.8.2021

Jaswant Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Deepak Goyal, Advocate for the petitioner.

Mr. Ashok Kumar Pathak, Addl.A.G., Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.234 dated 10.11.2020 at Police Station Amargarh, District Sangrur under Section 3(1)(r) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 323 of Indian Penal Code.
2. At the time of issuance of notice of motion on 19.1.2021, the following order was passed:

“Learned counsel for the petitioner has submitted that even if the allegations as levelled in the FIR are taken to be correct, the case pertains to allegations of causing injuries simpliciter and that there

is nothing in the FIR to suggest commission of any offence under SC/ST Act and that it is subsequently that the police has given a colour of commission of an offence under SC/ST Act by stating that there is some land dispute between the parties.

Notice of motion for 3.5.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Although learned State counsel opposed the petition on the ground that the FIR has been lodged for offences under SC/ST Act but nothing could be shown from the FIR as to which act on the part of the petitioner would constitute SC/ST Act. A perusal of the FIR shows that the allegation mainly pertain to causing of injury and there is nothing to suggest that the petitioner had either uttered any objectionable utterances or had caused the injuries on account of the fact and while knowing that the complainant/injured belongs to SC/ST Caste.
4. Leaned State counsel has informed that pursuant to interim directions, the petitioner has joined investigation and that the petitioner is not wanted for custodial interrogation.
5. In view of the aforestated position, wherein the allegations are pertaining to an offence under Section 323 IPC and, in any case, the petitioner is stated to have joined investigation, the petition is accepted and the interim directions issued by this Court vide order dated 19.1.2021 are hereby made absolute,

subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

6. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

20.8.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No