

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.25247 of 2021(O&M)

Date of Decision: 01.12.2021

Beant Singh @ Gora Singh

..... Petitioner

V/s.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. B.S. Jatana, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

*(The case has been taken up through video conferencing on
account of COVID-19 pandemic.)*

Vivek Puri, J. (Oral)

On 05.07.2021, following order was passed:

“Learned counsel for the petitioner prays for grant of anticipatory bail to the petitioner while inter-alia arguing that a reading of the FIR would not disclose any offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is argued that there is no averment in the said FIR that there was an elaborate intention to humiliate and insult the complainant. It is further argued that the allegations are general in nature only to invoke the offence under the provisions of the aforesaid Act. The matter has already been investigated and initially provisions under the Indian Penal Code were invoked, however, subsequently, the said sections under the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 were added. He also places reliance upon a judgment of the Delhi High Court rendered in CRM-M1977-2000 titled as 'Mukesh Kumar Saini vs. State (Delhi Administration)', decided on 06.01.2001.

Notice of motion.

Ms. Rashmi Attri, AAG, Punjab appearing through the medium of video conferencing accepts notice on behalf of the respondent State and seeks time to file reply. Adjourned to 01.12.2021.

Meanwhile, petitioner is directed to join the investigation within a period of one week and in the event of arrest, the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that the petitioner has joined the investigation, and offence under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for short “the Act”) was added subsequently. There is no allegation in the FIR that the petitioner was aware of and passed derogatory remarks against the caste of the complainant and in such circumstances the rigors of Section 18 of the Act are not attracted.

Learned State counsel, on instructions of ASI Major Singh, has not disputed the aforesaid factual aspects and has further stated that custodial interrogation of the petitioner is not required.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 05.07.2021 is made absolute.

The petition stands allowed.

1st December, 2021

Sonia Puri

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No