

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.207-3

CRM-M-36105-2021

Date of decision: 29.11.2021

Goga Mahajan @ Manish

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Ferry Sofat, Advocate, for the petitioner.

Ms. Gunkirat Kaur, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.86, dated 13.08.2021, registered under Sections 3 and 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station D-Division, Amritsar.

On September 02, 2021, this Court had passed the following order:-

“The matter has been taken up through video conferencing.

Learned counsel for the petitioner inter-alia contends that the petitioner has been falsely implicated in this case on account of political rivalry; the petitioner was peacefully protesting outside the counselor's house; due to this protest, he has been embroiled in the present case by the complainant, who is a political rival and a close aid of the counselor outside who's house the petitioner was protesting; the petitioner has no criminal antecedents and that the petitioner is also ready and willing to join the investigation as and when called by the investigating agency.

On the issue of maintainability of a petition under Section 438 Cr.P.C. for grant of anticipatory bail when the allegations are raised under Sections 3 and 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short – the Act) reliance is placed on a judgment of the Supreme Court in **Prathvi Raj Chauhan vs. Union of India and**

others (2020) 4 SCC 727.

Notice of motion.

Mr. Jagmohan Singh Ghumman,
DAG, Punjab, accepts notice on behalf of
the respondent-State and prays for time to
argue the matter.

Adjourned to 28.11.2021.

In the meanwhile subject to the
petitioner's joining investigation as and when
called by the investigating agency as also abiding
by the other conditions provided under Section 438
(2) Cr.P.C, in the event of his arrest in FIR No.86,
dated 13.08.2021, registered under Sections 3 and
4 of the Act, at Police Station D-Division,
Amritsar, he shall be released on ad interim
anticipatory bail to the satisfaction of the Arresting
Officer."

Learned State counsel submits that under the afore-quoted
order passed by this Court, the petitioner has joined the investigation; co-
operated with the investigating agency and that his custodial interrogation
is not required by the State.

In view of the above, the interim order of this Court dated
02.09.2021, granting ad interim anticipatory bail to the petitioner is made
absolute.

November 29, 2021

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(DEEPAK SIBAL)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No