

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CRM No. M-40690 of 2021
Date of Decision : 07.12.2021

Kuldeep Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Amandeep Singh Manaise, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. Bikramjit Singh Jatana, Advocate, for the complainant.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 83, dated 08.07.2021, registered under Sections 323, 506 IPC and Sections 3(1)(s) & 3(1)(r) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Boha, District Mansa.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 29.09.2021. Order dated 29.09.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail in respect of FIR No. 83, dated 08.07.2021, registered under Sections 323, 506 IPC and Sections 3(1)(s) & 3(1)(r) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Boha, District Mansa.

Learned counsel for the petitioner argues that the

present proceeding initiated against the petitioner is a total abuse of the process of law for the reason that the complainant is working as servant of a co-sharer of the agricultural land of the petitioner with whom, the petitioner had some differences and an FIR was got registered against the said persons, namely, Major Singh as well as the complainant on 30.11.2020. Learned counsel for the petitioner submits that the incident is being alleged to have happened on 27.11.2020, whereas the FIR has been registered now after a period of approximately 09 months and even the complaint qua the said allegations was made for the first time in March, 2021, which clearly depicts that the allegations alleged against the petitioner are false. Learned counsel for the petitioner further submits that petitioner is ready to join the investigation and cooperate and nothing is to be recovered from the petitioner, especially, once there is no MLR supporting the inclusion of Section 323 IPC.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State. Mr. Bikramjit Singh Jatana, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of the complainant.

Learned State counsel submits that as per the allegations in the FIR, the complainant was abused in violation of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in presence of other persons.

Learned counsel for the complainant submits that though the incident occurred on 27.11.2020, but the police did not register a case for a period of 09 months. Learned counsel for the complainant concedes that the complaint for the said allegations was made to the police for the first time in March, 2021.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances noticed hereinbefore, as nothing is to be recovered from the petitioner, the purpose of investigation will be achieved in case, petitioner is directed to join the investigation and cooperate.

As the petitioner has undertaken to join the investigation and co-operate with the same, he has made out a case for the grant anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

Adjourned to 07.12.2021.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed."

Learned State counsel on instructions from SI Prem Kumar states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

In view of the above, the order dated 29.09.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

December 07, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes*
Whether reportable? *No*