

204-A

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No. 37155 of 2020
Date of Decision: 06.01.2021

Bakshish Singh Sandhu

-Petitioner

Versus

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. D.K. Sharma, Advocate, for
Mr. S.S. Kamboj, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, D.A.G., Punjab.

Mr. J.S. Brar, Advocate,
for the complainant.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through
video-conferencing.

Petitioner seeks grant of anticipatory bail under
Section 438 Cr.P.C. in case bearing FIR No.251 dated
27.09.2020 registered under Sections 353, 506, 34 IPC and
under Section 3 (X) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act at Police Station Sadar Shri
Mukatsar Sahib.

On 11.11.2020, following order was passed:-

“The Court has been convened through video conferencing due to Covid-19 pandemic.

Counsel for the petitioner has urged that a false case has been registered against him, which is apparent from the fact that immediately after the alleged incident, an application was given by Harinderpal Singh (appended at Page Nos.13 and 14 of the petition) wherein, no allegation attracting the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been levelled. He urges that on the contrary, the FIR, Annexure P-1 which was lodged after more than 20 days of the alleged incident, narrates the allegation of use of derogatory words against the petitioner. His argument is that the entire story as given in the FIR has been concocted to deliberately frame the petitioner.

Notice of motion.

On asking of the Court, Mr. Saurav Khurana, DAG, Punjab, assisted by Mr. Jasmail Singh Brar, Advocate for the complainant, who are present through video conferencing, accept notice.

Adjourned to 06.01.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer.

The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

11.11.2020

pooja saini

**(SUVIR SEHGAL)
JUDGE"**

Learned State counsel on instructions from SI Bashir Singh submits that the petitioner has joined the investigation to the satisfaction of the Investigating Officer and he is no more required in further investigation of the case.

Learned counsel for the complainant opposed the bail on the ground that the petitioner has committed offence under SC/ST Act and anticipatory bail is not maintainable.

In view of observations made in the order dated 11.11.2020 and also the fact that the petitioner has joined the investigation and is not required in further investigation of the case, I deem it appropriate to confirm the order dated 11.11.2020.

In view of above, order dated 11.11.2020 is hereby made absolute.

However, the petitioner shall keep on joining the investigation as and when required to do so by the Investigating Officer.

January 06, 2021

Jyoti Sharma

**(RAJ MOHAN SINGH)
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No