

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206)

CRM-M-42429-2021

Date of Decision : December 09, 2021

Shangara Singh and others

.. Petitioners

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gagandeep Singh, Advocate, for
Mr. Amandeep Singh Manaise, Advocate, for the petitioners.

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

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

HARSIMRAN SINGH SETHI J. (ORAL)

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

Learned counsel for the petitioners contends that the petitioners have joined investigation in terms of order passed by this Court dated 08.10.2021. Order dated 08.10.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioners in respect of FIR No.83 dated 08.07.2021 registered under Sections 323 and 506 of the IPC and Sections 3 (1) (s) and 3 (1) (r) of the Scheduled Castes and Scheduled Tribes

(Prevention of Atrocities) Act, 1989 at Police Station Boha, District Mansa.

Learned counsel for the petitioners submits that the petitioners are being falsely implicated in the present case. The further argument raised by the learned counsel for the petitioners is that the similarly situated co-accused has already been granted the anticipatory bail by this Court while passing order in CRM-M-40690-2021 titled as Kuldeep Singh versus State of Punjab and therefore, learned counsel for the petitioners prays that as the petitioners are similarly situated as the co-accused Kuldeep Singh, they be granted the benefit of anticipatory bail as they are ready to join and cooperate with the investigation.

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.

Learned counsel for the respondent-State concedes that the allegations alleged against the petitioners and the co-accused Kuldeep Singh are similar in nature and co-accused Kuldeep Singh has already been granted interim bail by this Court.

Learned counsel for the complainant concedes that the co-accused has been granted the benefit of interim bail by this Court and submits that the allegations against petitioner No.3 Baljit Singh are not similar to that against co-accused Kuldeep Singh though, the petitioners No.1 and 2 are facing similar allegations as against co-accused Kuldeep Singh.

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

Once, the similarly situated co-accused has been granted the benefit of interim bail, the same cannot be denied to the petitioners unless and until any differentiating fact

between them is pointed out. The factum of difference pointed out by the learned counsel for the complainant qua petitioner No.3 Baljit Singh is with regard to the uttering of certain words which violates the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The said allegations are yet to be proved in the Court of law, hence, the said allegations cannot be treated as a differentiating fact as of now so as to deny the benefit of parity to petitioner No.3 as well.

As the petitioners have undertaken to join the investigation and co-operate with the same, they have made out a case for the grant of anticipatory bail.

Petitioners are directed to join the investigation forthwith.

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

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

(ii) That they 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 they shall not leave India without prior permission of the Court.

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

Adjourned to 09.12.2021.

It is, however, made clear that after the petitioners join the investigation, in case any incriminating material comes against the petitioners, 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, who is present in the Court, on instructions from SI Prem Kumar, states that in terms of the order of this Court reproduced before, the petitioners have joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioners undertakes that petitioners will join investigation and also cooperate with the investigating agency in case they are required for the same in future as well.

In view of the above, the order dated 08.10.2021 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They 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 petitioners are required for the investigation but are not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

December 09, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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