

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

**CRM-M-50363 of 2019 (O&M)
Date of Decision: 07.09. 2021**

MAJOR SINGH AND ANR

..Petitioners

VERSUS

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Parminder Singh Rai, Advocate
for the petitioners.

Mr. J.P. Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No. 214 dated 07.07.2019, registered under Sections 323/324/341/34 IPC & Section 3 of SC & ST (Prevention of Atrocities) Act, 1989 registered at Police Station Sohana, District SAS Nagar, Mohali.

The operative part of the order dated 27.11.2019, vide which the petitioners have been granted interim bail, is reproduced below:

“It is contended by counsel for the petitioners that the case against the petitioners is totally concocted. The complainant, admittedly, is employee of one Jagroop Singh. The said Jagroop Singh had caused grievous injuries to petitioner No.2 on 23.06.2019. On account of those injuries, petitioner No.2 had remained as indoor patient for several days, at various hospitals. Petitioner No.2 has also moved the police for registration of the FIR against Jagroop Singh on account of those injuries. Even the Doctor had sent rouqua to the police in this regard. However, police were not taking any action against the said Jagroop Singh. Therefore, despite the fact that the petitioner No.2 was not present at the scene of occurrence, the petitioner No.2 has been roped in the criminal case as a pressure tactics, at the instance of Jagroop Singh. Even the petitioner No.1 is not involved in the incident, since the same had

never happened. Only a semblance of crime has been created by the complainant by alleging a traffic brawl. So far as the offences under Section 3 of SC & ST (Prevention of Atrocities) Act, 1989, is concerned, it is contended by the counsel for the petitioners that; even the ingredients of the offence are not made out. The complainant has not even disclosed in the complaint that he is a *Chamar* by caste and that his caste is one of the Scheduled Castes for the area concerned. Even otherwise, no ingredient of the offence under the SC/ST Act is present in the complaint.

Notice of motion for 01.04.2020.

Meanwhile, in the event of arrest, the petitioners be released on interim bail subject to their furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioners submits that the petitioners, in pursuance to the order dated 27.11.2019, have already appeared before the SHO/Investigating Officer and have joined the investigation.

Learned counsel for the State, on instructions from SI Satpal Singh, has not disputed the factual position and submits that the petitioners have joined the investigation and are no more required for any further investigation.

In view of the above, considering the fact that petitioners are on interim bail for the last more than one and half year and they have not misused the same, the present petition is allowed and the interim bail granted to the petitioners, vide order dated 27.11.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

07.09.2021
monika

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