

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No. 201

Date of Decision: 08.04.2022

1. CRM-M No.5132 of 2022

Gagandeep Singh Arora

.....Petitioner

Vs.

State of Punjab

.....Respondent

2. CRM-M No.8939 of 2022

Pardeep Singh Bisht

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Sidhant Vermani, Advocate,
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

Vide order dated 03.03.2022, CRM-M-8939-2022 was directed to be heard along with CRM-M-5132-2022 and therefore, both these cases are taken up together for disposal. Both the cases arise from the same FIR pertaining to the two different accused.

It has been submitted by learned counsel for the petitioner that in pursuance of the order passed by this Court on 08.02.2022 in CRM-M-5132-2022, whereby the petitioner was granted interim bail, he has joined the investigation and he is fully co-operating with the investigation process

and so far as the petitioner in CRM-M No.8939 of 2022 is concerned, vide order dated 03.03.2022, it was directed that interim orders would be there in the same terms as of CRM-M No.5132 of 2022 and in pursuance thereof, the petitioner has joined investigation and he is fully co-operating with the investigation process and has prayed that these interim orders may be confirmed. He further submitted that so far as the question of maintainability of anticipatory bail petition in view of the provisions of Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 (for short SC ST Act') is concerned, the State has now filed the affidavit by stating that as per the video footage, the complainant was not present at the spot and therefore, prima facie there is no case made out against the petitioner and the present FIR is false and has submitted that therefore, the bar contained under Sections 18 and 18-A of the SC ST Act would not apply in the present case in view of the law laid down by the Supreme Court in ***Dr. Subhash Kashinath Mahajan Vs. State of Maharashtra and anr., 2018 (2) R.C.R. (Criminal) 552.***

Learned State counsel, on instruction from ASI Balraj Singh, states that both the petitioners in the present cases have already joined the investigation and they are fully co-operating with the investigation process and they are not required for custodial investigation. He further submitted that it is correct that according to the affidavit filed by the State, as per the CCTV footage, the complainant could not be seen but the authenticity of the CCTV footage is yet to be determined.

I have heard learned counsel for the parties.

In pursuance of the orders passed by this Court dated 08.02.2022 and 03.03.2022, as per the learned State counsel, both the

petitioners have already joined the investigation and they are not required for custodial investigation and the bar contained under Sections 18 and 18-A of the SC ST Act, would not apply in the present case.

In view of the aforesaid facts and circumstances, where the State has taken a stand that the complainant was not found in the CCTV footage although the authenticity is yet to be determined, both the petitions are allowed and orders dated 08.02.2022 and 03.03.2022 are, hereby, made absolute.

08.04.2022
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(JASGURPREET SINGH PURI)
JUDGE

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