

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17259-2022 (O&M)

Date of decision: 27.04.2022

Harmik Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Shiv Kumar Sharma, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Janak Singh Bhinder, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.0015 dated 27.01.2022 under Sections 323, 341, 148, 149 IPC (Sections 3 & 4 of SC&ST Act were added later on), registered at Police Station Sadar Sangrur, District Sangrur.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of one Balveer Singh, on 26.01.2022, he was going to his fields and when reached near the house of one Mehar Singh, he saw that Ranjit Singh, petitioner Harmik Singh and three unknown persons

were beating Jatinder Singh. The complainant intervened and stopped Ranjit Singh and his family from giving beating to Jatinder Singh. Thereafter, he went to his fields. After some time, when he was coming back and reached outside the house of Ranjit Singh, he was followed by Ranjit Singh. When the complainant reached near petrol pump, Ranjit Singh stopped his car in front of his scooty. Ranjit Singh, Harmik Singh and 3-4 other unknown persons were sitting in the car. Petitioner Harmik Singh came out of the car and gave iron rod blow on his hand and uttered caste related words and abused him. Ranjit Singh, who was carrying a rifle, came out of the car and he also gave him beatings and insulted by uttering caste related words.

Learned counsel further submits that in fact, there was no such incident of giving beatings to Jatinder Singh, as no one has come forward to lodge a complaint against the petitioner with regard to first incident, in which the complainant alleged that he intervened and saved Jatinder Singh. Even in second incident, it is not stated that any abuses were given in the public place or any person from the public has witnessed the same. It is also submitted that at the first instance, Sections 3 & 4 of SC&ST Act were not added and the petitioner had joined the investigation on 04.01.2022 and he was released on bail, however, on 08.03.2022, Sections 3 & 4 of SC&ST Act were incorporated just to aggravate the seriousness of the offence.

Learned State counsel as well as learned counsel for the complainant could not dispute that no such incident of giving beatings to Jatinder Singh by the petitioner's side was ever reported to the police or any other person in the village has made any such statement. It is also not disputed

that the FIR was registered on 27.01.2022 and after a gap of more than one and half month, Sections 3 & 4 of SC&ST Act were added and the petitioner has already been released on bail.

Learned counsel for the complainant has opposed the prayer for bail on the ground that in the FIR, it is mentioned that the petitioner has abused the complainant in the name of his caste, however, it is not disputed that there was no witness to the said incident and Sections 3 & 4 of SC&ST Act were added after one and half month of registration of the FIR.

After hearing learned counsel for the parties and considering the aforesaid submissions made by them, this petition is allowed and the petitioner is granted the concession of anticipatory bail subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

27.04.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No