

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-19523 of 2022
Date of decision:20.09.2022

Labh Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Baljinder Singh Sra, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

Mr. Satnam Preet S. Chauhan, Advocate
for the complainant.

SUVIR SEHGAL, J. (Oral)

On 09.05.2022, this Court passed the following order:-

“Instant petition has been filed under Section 438 of Code of Criminal Procedure, 1973, seeking grant of anticipatory bail in cross case DDR No.28 dated 17.04.2022, registered under Sections 323, 341, 354-B, 451, 506, 148 and 149 of IPC, 1860, however, Section 03 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for short “SC/ST Act”) was added later on, Annexure P-2, in FIR No.195 dated 17.04.2022 registered under Sections 323, 324, 341, 506, 148 and 149 of IPC, at Police Station Sohana, SAS Nagar, Annexure P-1.

Counsel for the petitioner contends that it is a case of version and cross-version and it is yet to be determined as to which of the party is the aggressor. By referring to DDR, Annexure P-2, counsel submits that there is no specific attribution qua the petitioner and offence under Section 354-B of IPC, which was added later on, is attributed to co-accused, Harjit Singh. Counsel submits that there was a civil litigation between the parties over a piece of agricultural land and a scuffle ensued between them and the allegations against the petitioner are general in nature. He submits that the petitioner, who is 70 year of age, is ready to join investigation and cooperate with the Investigating Agency. It is his specific stand that there is no allegation attracting offence under SC/ST Act in the DDR.

Notice of motion.

On asking of the Court, Mr. A.S. Gill, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State.

List on 20.09.2022.

Meanwhile, the petitioner shall join the investigation and would appear as and when called by the Investigating Officer 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. “

Upon instructions from ASI Om Parkash, State counsel submits that offence under SC/ST Act, has been deleted. Still further, he submits that petitioner joined the investigation and he is no longer required for custodial interrogation.

In view of the above facts, but without commenting on the merits of the case, present petition is allowed and order dated 09.05.2022 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

September 20, 2022

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes