

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

236

CRA-S-898 of 2022
Date of decision:20.09.2022

Kulwinder Singh and others

... Appellants

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. Mohit Chaudhary, AAG, Punjab.

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

SUVIR SEHGAL, J. (Oral)

On 24.05.2022, this Court passed the following order:-

“Instant appeal has been filed under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for short “SC/ST Act”) for setting aside the impugned order dated 02.05.2022 passed by the Additional Sessions Judge, SAS Nagar, whereby anticipatory bail of the appellants, has been dismissed, in a cross-case, vide DDR No.28 dated 17.04.2022 under Sections 323, 324, 341, 354-B, 451, 506, 148 and 149 of IPC, 1860, however, Section 03 of the 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, District SAS Nagar.

Counsel for the appellants has contended that a scuffle took place between the parties on account of dispute over mushtarka malkan/shamlat land which was bone of contention and subject matter of civil litigation. Counsel submits that appellants are similarly placed as co-accused, Labh Singh, Jang Singh and others, Jarnail Singh, Jaspreet Singh @ Jasi, who have been granted interim protection by this Court. It is his argument that all the three appellants are members of the Scheduled Caste. Still further, he submits that there is no allegation against the appellants attracting offence under SC/ST Act and Section 354-B, IPC. A categorical assertion has been made that offence under SC/ST Act has been added subsequently and allegation is against Harjit Singh.

List on 20.09.2022.

Meanwhile, the appellants shall join the investigation and would come present as and when called by the Investigating Officer and in the event of arrest, they shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. They shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

To be heard alongwith CRA-S-874 of 2022.”

Interim protection granted to co-accused has been made absolute by an order passed on even date.

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

In view of the above facts, but without commenting on the merits of the case, present appeal is allowed, impugned order is set aside and order dated 24.05.2022 granting interim bail to the appellants 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/No