

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

(I) **CRM-M-37242-2021 (O&M)**
Date of Decision:- 7.2.2022

Harpreet Singh and others ... Petitioners

Versus

State of Punjab ... Respondent

(II) **CRM-M-37601-2021 (O&M)**

Gurmeet Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Bunny Rakhra, Advocate, for the petitioners.

Mr. Anmol S. Sandhu, AAG, Punjab,
assisted by ASI Amrik Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Harpreet Singh, Ompreet Singh, Gurjant Singh and Gurmeet Singh, seek grant of anticipatory bail in a case

registered vide FIR No. 81, dated 24.7.2021, Police Station Rampura, District Bathinda, under Sections 341, 365, 323, 148, 149, 506 IPC.

2. At the time of issuance of notice of motion on 9.9.2021 in CRM-M-37242-2021 the following order was passed:

“This is the second petition filed on behalf of the petitioners seeking grant of anticipatory bail.

The earlier petition i.e. CRM-M-32502-2021 was disposed of vide order dated 23.8.2021 by way of passing the following order:

“ XXX XXX XXX

The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered against them vide FIR No. 81, dated 24.7.2021, Police Station City, Rampura, District Bathinda, under Sections 341, 365, 323, 148, 149, 506 IPC.

Although, this Court finds that the matter mainly pertains to causing of some simple injuries to the complainant but a perusal of the FIR would show that some offences under SC/ST Act may also be attracted though at present no such offence has been mentioned in the FIR.

Since, provisions of Section 18 of SC/ST Act would bar invoking provisions of Section 438 Cr.P.C., therefore, this Court does not deem it appropriate to grant anticipatory bail to the petitioners at this stage.

However, in case the petitioners surrender before the trial Court within a period of 15 days

from today and moves an application for grant of regular bail in the forenoon of the day, the learned trial Court shall endeavour to dispose of the same expeditiously, preferably on the same day itself.

The petition is disposed of accordingly.”

Learned counsel for the petitioner has submitted that there has been a substantial change of circumstances inasmuch as during the course of investigation, it has been found that no offence under Section SC/ST Act was committed by the petitioners. In this regard learned counsel has drawn the attention of this Court to DDR dated 5.9.2021 (Annexure P-5), the concluding portion of which reads as follows:

“..... on verification it was found that no use of objectionable words with regard to caste was made by the accused Gurmeet Singh etc. to complainant Jagsir Singh son of Baljeet Singh and neither only thing of that sort has come in investigation. These words have been recorded by the complainant taking the benefit of his caste and recorded in the FIR and there is no truth in it and the same has been intimated to Officer Incharge. The report is submitted.”

In view of the aforesaid position especially the aforesaid changed circumstances, the instant petition is being entertained particularly when previously the petition had not actually been disposed of on merits.

Notice of motion for 7.2.2022.

Meanwhile, in the event of arrest, the petitioners be released on interim bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners

shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Even in the other case i.e. CRM-M-37601-2021, this Court while issuing notice of motion ordered for grant of interim bail to the petitioner while directing him to join investigation vide order dated 10.9.2021.
4. Learned State counsel, upon instructions from ASI Amrik Singh has informed that the petitioners have since joined investigation. It has also not been disputed that the injuries in question are simple in nature.
5. In view of the aforesaid position, particularly the fact that the petitioners have joined investigation and the injuries caused are stated to be simple in nature, the petitions are accepted and interim directions issued by this Court vide order dated 9.9.2021 and 10.9.2021 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
6. A photocopy of this order be placed on the connected case.

7.2.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No