

**229 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRA-S-1411-2022 (O&M)
Date of Decision: 09.12.2022

SEHMAL @ SHAMPY **VS.** **... APPELLANT**

STATE OF PUNJAB **.. RESPONDENT**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Sikha Khullar, Advocate
for the appellant.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

On 08.08.2022, the following order was passed:-

“The present appeal has been preferred against the order dated 19.07.2022 vide which the application for anticipatory bail has been dismissed solely on the ground that the same is not maintainable in view of the bar under Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act').

Learned counsel for the petitioner contends that in the FIR, allegation with regard to the physical contact and advances have been primarily directed against Pulkit Sharma co-accused. The appellant is stated to be accompanying him. Though it has been alleged that the appellant along with co-accused gave beatings to the relative of the complainant but the same are simple in nature. Moreover, the present FIR has been lodged as a counter blast to FIR No. 290 dated 27.12.2021 under Sections 323, 326, 341, 148, 149 of IPC registered at Police Station Rama Mandi, District Jalandhar (Annexure A-4) which has been lodged by Pulkit Sharma, co-accused against the brother of the complainant. The appellant is also an aggrieved person

in the said case. Furthermore, the appellant himself belongs to Scheduled Caste and Annexure A-3 is the certificate of Scheduled Caste. As such, the commission of offence under Section 3 or 4 of the Act cannot be attributed to the appellant and consequently, the bar under Section 18 of the Act cannot be invoked in the instant case.

Notice of motion.

Mr.Hittan Nehra, Addl. A. G. Punjab, appears and accepts notice on behalf of respondent-State.

Adjourned to 02.11.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for 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.”.

Learned counsel for the appellant contends that in pursuance of interim directions issued by this Court, the appellant has joined the investigation.

Learned State counsel, on instructions from ASI Sukhraj, has not disputed the aforesaid factual aspect and further submits that custodial interrogation of the appellant is not required.

Accordingly, order dated 08.08.2022, vide which the appellant has been granted interim bail, is made absolute.

Appeal is, accordingly, allowed.

09.12.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No