

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

CRA-S-1423-2022

Date of Decision: 08.09.2022

Darshan Singh and others

.....Appellants

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Siddharth Gupta, Advocate,
for the appellant.

Mr. Tarun Aggarwal, Sr. D.A.G., Punjab.

VIKAS BAHL, J. (Oral)

This is first appeal filed by the appellant for grant of anticipatory bail to the appellant in case FIR No. 0038, dated 15.07.2022, under Section 3 (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989, and Sections 506 and 148 of the IPC, registered at Police Station Dharamgarh, District Sangrur.

On 08.08.2022, this Court was pleased to pass the following order:-

*“Learned counsel for the appellants inter alia contends that in the present case, offence under SC/ST Act is not prima facie made out inasmuch the complainant has not disclosed his caste in the FIR nor the alleged words used by the accused persons have been mentioned by the complainant in the FIR. It is further submitted that it is not alleged in the FIR that the appellant was aware about the caste of the complainant and then uttered offending words and has relied upon judgment passed by a Coordinate Bench of this Court in **Jai Parkash and others Vs. State of Haryana and another**, reported as **2011(3)***

RCR (Criminal) 217, on the said aspect. It is contended that the FIR has been registered as a counter blast to the previous litigation which is pending between the parties and in fact, FIR No.19 dated 10.03.2022 under Sections 447, 379, 411, 120-B, 201 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Public Property (Prevention of Damage) Act, 1985 at Police Station Dharamgarh, District Sangrur was registered on the statement of Sarpanch Rani Kaur and the same was registered against 15 persons including the present complainant namely Jagsir Singh and in the said FIR, appellant-Inderjeet Singh was a prosecution witness. It is further contended that as a counter blast to the same, the present FIR has been registered and on the said aspect, has relied upon judgment of the Coordinate Bench in **CRM-M-30576-M-2002 decided on 01.08.2002 titled as Jagir Chand Vs. State of Punjab** as well as in **CRM-M-3956-2020 decided on 27.02.2020 titled as Baljinder Kaur Vs. State of Punjab**. Further reliance has been placed upon the judgment passed by the Hon'ble Supreme Court in **Prathvi Raj Chauhan Vs. Union of India and others**, reported as **2020(4) SCC 727** to contend that in such like situation, the bar under Sections 18 and 18-A of the SC/ST Act would not apply. It is further submitted that co-accused of the appellant namely Harbhajan Singh and Rohi Singh have also filed CRA-S-1358-2022 and in the said case, notice of motion has been issued and interim order has been passed and the same is now fixed for 08.09.2022.

Notice of motion for 08.09.2022.

In the meantime, in the event of arrest, the appellant shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the appellant shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

To be heard alongwith CRA-S-1358-2022.”

Learned counsel for the appellant has submitted that in pursuance of the above-said order, the appellant has joined the investigation.

Learned State counsel, on instructions from ASI Beant Singh, has submitted that the appellant has joined the investigation and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 08.08.2022 and also the fact that the appellant joined the investigation and are not required for further custodial interrogation, the present petition is allowed and the interim order dated 08.08.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independent of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

September 08, 2022 nitin	(VIKAS BAHL) JUDGE
Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No