

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

CRM-M-40247-2022

Date of decision : 15.12.2022

Major Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :-Mr. Bikramjit Singh Randhawa, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

On 05.09.2022, the following order was passed:-

“Apprehending his arrest in case FIR No.0061 dated 10 th May, 2022, registered for offences punishable under Sections 341, 506, 148, 149 of the Indian Penal Code, 1860 and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the SC & ST Act') at Police Station Shri Hargobindpur, Police District Batala, District Gurdaspur, the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Ld. Counsel for the petitioner inter alia contends that so far as casteist remarks are concerned, no specific attribution has been made to any of the accused and, thus, no offence under SC & ST Act has been made out. He further relies upon the order dated 31st of August, 2022 passed by this Court in CRM-M No.38980 of 2022 titled as 'Hardeep Singh vs. State of Punjab' whereby co-accused has been granted interim protection.

Issue notice of motion, returnable for 15th December, 2022.

On asking of the Court, Mr. Gurdarshan S. Sidhu, Asstt. Advocate General, Punjab appears and accepts notice on behalf of the respondent-State.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

2. Today, Mr. Cheema, on instructions from ASI Avdesh Singh, submits that the petitioner has joined investigation and is no more required for custodial interrogation.

3. In view of the above, the interim order dated 05.09.2022 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. Petition stands disposed off.

(PANKAJ JAIN)
JUDGE

15.12.2022
Dinesh

Whether speaking/reasoned Yes

Whether Reportable : No