

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

CRM-M-50755-2021

Date of Decision: 24.05.2022

Jalandhar Singh

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sunil Sihag, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG Punjab.

VIVEK PURI J.

On 11.01.2022 following order was passed:

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No. 0067 dated 10.07.2021 under Sections 323, 354, 354-B, 148, 149 IPC and Sections 3(1)(a), 10 and 11 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment Act 2015) (now offence under Section 325 IPC also added) registered at Police Station Bariwala, District Sri Muktsar Sahib.

On the last date of hearing, the State was put to notice. Learned counsel for the State, on instructions, does not dispute the submissions made by the counsel opposite that it was a case of version and cross-version, wherein, both the parties received injuries at the hands of each other. He has also not been able to controvert the fact that the occurrence in question took place in a plot of land, which was in the possession of the petitioner and qua which there was a dispute between the parties. Still further, he has conceded on instructions that the petitioner

had reported the alleged occurrence vide Annexure P-2, to the police, which was prior in time, to the registration of the FIR in question. Learned State counsel, however, submits that there are allegations levelled against the petitioner of using castiest remarks against the complainant during the occurrence in question and hence, he be not extended the concession of anticipatory bail.

Learned counsel for the petitioner has, however, vehemently argued that no such castiest remarks were made by him and the complainant intentionally and mischievously attributed the said remarks to him, so as to attract the mischief of offences under Sections 3(1)(a), 10, 11 of SC/ST Act. He further submits that assuming for the sake of arguments though not admitted, that the petitioner had indeed made castiest remarks, however, since the occurrence had taken place in his plot of land and only the complainant alongwith his family and the petitioner were present at the relevant time, it could not be said to have been made in full public view. Learned counsel submits that the petitioner is willing to join investigation and cooperate with the investigating agency.

Adjourned to 24.05.2022.

The petitioner is directed to join investigation as and when required by the Investigating Officer. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C. "

Learned counsel for the petitioner contends that in pursuance of the interim direrctions, the petitioner has joined the investigation. Furthermore, the co-accused have been granted pre-arrest bail by the Co-ordinate Bench of this Court in terms of orders passed in CRM-M-33459 of

2021, CRM-M-47505 of 2021 and CRM-M-34482 of 2021.

On the instructions of ASI Rajpal Singh, learned State Counsel has not disputed the aforesaid factual aspects and further contends that custodial interrogation of the petitioner is not required.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner.

Accordingly, order dated 11.01.2022, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

24.05.2022

Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No