

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

205

CRM-M-52049 of 2021
Date of decision:17.03.2022

Lakhveer Singh @ Lakhbir Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ajay Kumar, Advocate for
Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 438 Cr.P.C seeking grant of anticipatory bail to the petitioner in case FIR No.152 dated 10.09.2018 registered under Sections 417, 500, 506, 120-B of Indian Penal Code, 1860 at Police Station Navi Baradari, District Jalandhar (Annexure P-1) and charge has been amended on 09.11.2021, whereby, Section 307, IPC and Section 3/4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, have been added.

On 17.12.2021, this Court passed the following order:-

“Counsel for the petitioner has filed his affidavit dated 17.12.2021 apologizing for the inadvertent erroneous reproduction of the provision of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for

short “the SC/ST Act”), which is taken on record.

*Counsel for the petitioner submits that the host of allegations are against Jasvir Singh, son of the petitioner and charge under Sections 120-B, 417, 500, 506 IPC was initially framed vide order dated 29.01.2020, Annexure P-3. He submits that as there was an error in the committal order dated 12.10.2021, Annexure P-4, and by a subsequent order passed on 09.11.2021, Annexure P-6, the error was corrected and the case was committed to the Sessions Court as it involved allegations attracting offences under Section 376 IPC and Sections 3 and 4 of SC/ST Act. Counsel submits that insofar as the allegation under SC/ST Act are concerned, the petitioner is alleged to have abused the complainant within the four walls of the house and the provisions of Section 3(1)(x) of the SC/ST Act are not attracted and there are no allegations of rape against the petitioner, who has been appearing before the Court. He has placed reliance upon a judgment of Supreme Court in **Hitesh Verma versus State of Uttarakhand 2020 SCC Online SC 907**. He submits that the petitioner is ready to join proceedings before the trial Court on the next date, that is, 20.12.2021.*

Notice of motion.

On asking of the Court, Mr. Anmol Singh Sandhu, accepts notice on behalf of the respondent-State.

List on 17.03.2022.

Counsel for the petitioner submits that he will appear before the trial court on the next date i.e. 20.12.2021 and co-operate with the investigation, if required.

Let the petitioner put in appearance before the trial court on the date fixed. In case he does so, he shall be ordered to be released on interim bail on his furnishing bail/surety bonds to the satisfaction of the Court concerned on usual terms and conditions.”

Counsel for the petitioner has placed on record a copy of the order dated 20.12.2021 passed by the learned Additional Sessions Judge, Jalandhar to submit that the petitioner has appeared before the Trial Court and has been released on bail.

This fact has been verified by the State counsel upon instructions from ASI Sanjeev Kumar.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed and the order dated 17.12.2021 granting interim bail to the petitioner is made absolute.

March 17, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes/No</i>