

CRM No. M-53120 of 2021(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101+204)

CRM No. M-53120 of 2021 (O&M)
Date of Decision : 07.03.2022

Harjit Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Gurcharan Dass, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. Jagat Vir Singh Dhindsa, Advocate for
Mr. Preetinder Singh Ahluwalia, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

CRM No. 5485 of 2022

Present application has been filed for placing on record document as Annexure P-8.

The application is allowed and document as Annexure P-8 is taken on record.

CRM No. M-53120 of 2021

The petitioner is seeking anticipatory bail in FIR No. 273 dated 14.11.2021, registered under Section 3(1) (S) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 506 IPC at Police Station Sadar, Patiala.

Learned counsel for the petitioner contends that in terms of

order dated 22.12.2021 passed by this Court, the petitioner has joined the investigation. Order dated 22.12.2021 is as under:-

“CRM No.43655 of 2021

Allowed as prayed for.

Application stands disposed of.

CRM No. M-53120 of 2021

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.273 dated 14.11.2021, registered under Section 3(1) (S) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 506 IPC at Police Station Sadar, Patiala.

Learned counsel for the petitioner argues that the petitioner is an employee of one Jassa Singh with whom the petitioner is having a civil dispute. Learned counsel submits that in fact, the present allegations, which have been alleged by the petitioner is under the influence of said Jassa Singh and in fact no such act, as being described by the petitioner, has taken place. Learned counsel submits that further, the allegations being attributed to the petitioner so as to violate the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, are yet to be proved during the trial and as the petitioner is ready to join the investigation and cooperate, therefore, he be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that the allegations which have come against the petitioner are serious and non-bailable. Learned State counsel submits that as of now, the allegations, are only in the FIR and are yet to be substantiated during the

investigation.

Learned counsel appearing on behalf of the complainant submits that the petitioner is a habitual offender and is facing other proceedings as well. Further argument of the learned counsel for the complainant is that prior to the registration of the present FIR, a preliminary inquiry was conducted, which prima facie substantiated the allegations. Factum that the petitioner is working as an employee with Jassa Singh, with whom the petitioner has a civil dispute, is not denied.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the various facts such as the civil dispute going on between the petitioner and one Jassa Singh, who is a retired Inspector from the Punjab Police, and the petitioner is employee with said Jassa Singh, coupled with the fact that the allegations alleged against the petitioner are yet to be substantiated during the investigation, the purpose of investigation can be achieved in case the petitioner is directed to join the investigation and cooperate with the same as nothing is to be recovered from him.

As the petitioner has undertaken to join the investigation and co-operate with the same, he has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of their arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

- i) That he shall make himself available for interrogation by the police officer as and when required.*
- ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from*

disclosing the said facts to the Court or to any police officer.

iii) That he shall not leave India without prior permission of the Court.

iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.

Adjourned to 17.02.2022.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel, who has joined the proceedings through video conference, on instructions from ASI Hardeep Singh states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

In view of the above, the order dated 22.12.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

It is made clear that while passing the order granting interim bail or while confirming it, this Court is not expressing any opinion on the

merits of the case, which will be decided keeping in view the material, which will come on record during the investigation or thereafter in trial to decide the culpability of the petitioner or otherwise.

The petition stands disposed of.

March 07, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	✓ Yes/No
Whether reportable?	✓ Yes/No