

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

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CRM-M-184-2023 (O&M)
Date of decision: 23.11.2023

Sarabjeet Singh Gill**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. B. S. Bhalla, Advocate
for the petitioner.

Mr. Shubham Kaushik, AAG, Punjab.

Mr. R. S. Dadwal, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition was initially filed as an appeal bearing ***CRA-S-2803-2022*** by the petitioner, under Section 14 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act 1989 (*for short 'SC/ST Act'*) seeking setting aside of order dated 22.12.2022, passed by the Additional Sessions Judge, Moga, whereby the petitioner was denied the concession of pre-arrest bail in FIR No. 53 dated 09.12.2022, registered under Sections 324, 148, 149 of the IPC (Sections 326, 354 of IPC added later on) and Sections 3 and 4 of the SC/ST Act, registered at Police Station Fatehgarh Panjtoor. However, vide order dated 02.01.2023, while issuing notice of motion and granting interim bail to the petitioner, the appeal was directed to be treated as Criminal Miscellaneous Petition for grant of anticipatory bail, as no offence under the provisions of SC/ST Act was added and subsequently only Section 326 IPC was added.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a statement recorded by complainant Balbir Singh alleging therein that on 05.12.2022, at about 11:30 A.M., he had come out of his house in the street to pick up sand as the construction work was going on inside his house. In the meanwhile, Jagtar Singh son of Prithi Singh came there raising lalkara. Petitioner Sarabjeet Singh, armed with a handle of handpump, Balwinder Singh son of Prithi Singh, armed with Soti, Jagjit Singh son of Bhupinder Singh, armed with a danda, also came there and started scuffling with him. The petitioner assaulted him by striking a blow with the handle of the handpump on the chest of the complainant, due to which, he sustained injury. Thereafter, the assailants, by scuffling with his wife, who had come to his rescue, while extending beatings to her, had torn her clothes and left the spot with their respective weapons, which they are carrying. The complainant prayed for taking penal action against the culprits. On this complaint, investigation proceedings had been initiated. Offences under Sections 3 and 4 of the SC/ST Act, though had been added during the course of investigation, but the Investigating Officer of this case had appeared before the Court of Additional Sessions Judge at the time of decision of the bail application, as moved before the said Court, and had stated that the offences under Sections 3 and 4 of the SC/ST Act had been deleted, whereas offence under Section 326 IPC had been added. It is submitted that the petitioner, along with other co-accused, had moved an application for anticipatory bail before the Additional Sessions Judge, which had been dismissed on the ground that the injury as sustained by the

complainant was attributed to him.

3. Learned counsel for the petitioner has argued that the petitioner has joined investigation in pursuance of order dated 02.01.2023, passed by this Court. His custodial interrogation is not required. No recovery is to be effected from. Therefore, he argued that the present petition be allowed.

4. *Per contra*, learned State counsel, assisted by learned counsel for the complainant, has filed the status report, which is taken on record. He argued that there are serious allegations against the petitioner. His custodial interrogation is required for thorough investigation in the matter. The offence under Section 326 IPC has also been added, which is serious in nature. Therefore, it is argued that no case is made out for allowing the present petition.

5. I have heard learned counsel for the parties at a considerable length and have perused the record very carefully. The petitioner was granted concession of interim bail, vide order dated 02.01.2023, subsequent to which, he has joined investigation. This Court is of the opinion that no useful purpose would be served by sending the petitioner into custody. His presence can be secured by issuing him a written notice also. Therefore, taking into consideration the facts and circumstances of the case, the present petition is allowed and the interim bail, granted to the petitioners vide order dated 02.01.2023, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

23.11.2023

Waseem Ansari

**(MANISHA BATRA)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*