

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

236+2

CRA-S-132-2023

Date of Decision: 28.03.2023

Amandeep Singh**...Appellant****Versus****State of U.T., Chandigarh and Another****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. S.S. Thakur, Advocate for the appellant

Mr. Y.S. Rathore, Addl. P.P., U.T., Chandigarh

Mr. Namit Gautam, Advocate for the complainant

JAGMOHAN BANSAL, J. (ORAL)

Mr. Namit Gautam, Advocate appeared and filed his Power of Attorney on behalf of the complainant. The same is taken on record. Registry is directed to tag at an appropriate place.

On 13.01.2023, the following order was passed:-

“Through instant appeal under Section 14A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 (for short ‘SC/ST Act’), the appellant is seeking setting aside of order dated 27.12.2022 passed by Additional Sessions Judge, Chandigarh and further praying for grant of anticipatory bail in FIR No.321 dated 22.12.2022, registered at Police Station Sector 36, Chandigarh under Sections 306, 498-A of IPC and Section 3(2)v of the S.C and S.T. Act (added later on).

Learned counsel for the appellant, inter alia, contends that appellant is husband of the deceased. The deceased solemnized inter-caste marriage with the appellant. The deceased committed suicide on 23.07.2022 on account of merciless beating by her brother and FIR against the appellant came to be registered on 22.12.2022. The complainant and all other family members of the deceased were present at the time of cremation of the deceased. It was complainant who signed in the register maintained at cremation ground and disclosed cause of death as 'heart attack' at home. The FIR does not disclose commission of offence under SC/ST Act, however, to pressurize the appellant, provisions of SC/ST Act have been invoked. The appellant is an innocent person and has not committed the alleged offence. The appellant is not involved in any other offence. The appellant is permanent resident of Chandigarh. The appellant is ready to join investigation and face trial. There is no possibility of flee from justice. The arrest would cause irreparable loss, mental agony, embarrassment and humiliation to entire family. This Court, vide order dated 11.01.2023 passed in CRA-S-101-2023, has granted concession of interim bail to co-accused.

Notice of motion returnable for 24.02.2023.

Mr. Amit Goyal, Addl. P.P., U.T., Chandigarh, accepts notice on behalf of respondent-State and seeks time to file status report.

In the meantime, at the first instance, the appellant is directed to appear before Investigating

Officer on 19.01.2023 and thereafter as directed by Investigating Officer. In the event of arrest, the appellant shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The appellant shall co-operate the Investigating Officer.

If the Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.”

Learned State counsel, on instructions from Investigating Officer, submits that appellant has joined investigation and no custodial interrogation is required. He further submits that challan stands presented.

In view of the above facts and circumstances, the appeal is allowed and the interim bail granted to the appellant vide order dated 13.01.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the appellant or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

28.03.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>