

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

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2023:PHHC:094365
CRA-S-932-2022 (O&M)
Date of decision: July 25th, 2023

Jamesh Masih @ Jaimal Masih and another

.....Appellants

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kunal Sarangal, Advocate
for Mr. Raj Kumar Arya, Advocate
for the appellants.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is an appeal filed by the accused challenging order dated 10.05.2022 passed by learned Additional Sessions Judge, Gurdaspur, whereby a petition filed by the appellants seeking grant of anticipatory bail, has been dismissed in respect of FIR No.0020 dated 16.3.2022, Police Station Qila Lal Singh, under Sections 3(1)(r) of Scheduled Case & Schedule Tribes Act, 1989.

Vide order dated 24.05.2022, the appellants had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“The FIR was lodged at the instance of Kailasho Rani, wherein it is alleged that on 20.6.2021 at about 08:00 p.m., when she alongwith her sons Pinder and Harjinder Kumar was present in their house, then Sukhchain Singh @ Baba, who was having illicit relations with daughter-in-law of complainant's brother-in-law namely Pooja, came

there on a motorcycle and drove the motorcycle over the feet of her third son namely Balwinder Singh, who was standing outside. When complainant's son asked him as to why he has done so, said Sukhchain Singh @ Baba used filthy language and challenged him to do whatever he wanted and went towards the house of Janak Raj. Shortly thereafter Sukhchain Singh @ Baba accompanied by Manjit Kaur, Jamesh Masih, Gagandeep @ Ganji and Sandeep, who were carrying datars and sticks, came towards their house and hurled abuses in the names of their castes. On account of the said commotion, their neighbours and 10-12 other persons also gathered at the spot and caught hold of the accused namely Sukhchain Singh @ Baba, Jagjit Singh @ Jagga, Roshan Lal and Manjit Singh and handed them over to the police. Later they apologised at the police station and a compromise was arrived at between the parties on 21.6.2021. It is alleged that Manjit Kaur, Jamesh Masih, Gagandeep @ Ganji and Sandeep, who were carrying datars and sticks, had pelted brick bats and used derogatory language towards their castes.

Learned counsel for the appellants submitted that apparently a false case has been registered, which would be evident from the fact that the matter has already compromised with the main accused including Sukhchain Singh @ Baba."

Learned counsel for the appellants submits that in compliance of order dated 24.05.2022, the appellants have joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions, does not dispute the factum of the appellants having joined investigation and cooperated with the investigating agency. He on further instructions submits that

the appellants are not required for further investigation much less for his custodial interrogation.

In view of the above, the appeal is allowed and impugned order dated 10.05.2022 passed by learned Additional Sessions Judge, Gurdaspur, is hereby set aside. Interim order dated 24.05.2022 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the appellants misuse the concession of bail granted to them , the State would be at liberty to seek cancellation of the same.

July 25th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No