

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

212

CRA-S-1493-2023

Date of Decision : 30.11.2023

Dalbir Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.APS Shergill, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. On 18.05.2023, the following order was passed :

“The appellants through the instant appeal are seeking setting aside of orders dated 15.04.2023 and 24.04.2023 whereby Additional Sessions Judge, has dismissed anticipatory bail applications of the appellants in FIR No.41 dated 03.03.2023, under Sections 406, 498-A IPC and Sections 3 and 4 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station, Beas, District Amrisar.

On oral request of learned counsel for the petitioner, complainant is impleaded as respondent No. 2. Amended Memo of Parties is taken on record. Registry is directed to tag the same at an appropriate place.

Learned counsel for the appellants inter

alia contends that marriage of son of the appellants was solemnized with complainant on 14.10.2020. As per the FIR, both were working as Staff Nurse in IVY Hospital, Airport Pand, Amritsar. At the time of marriage, it was known to both the parties that complainant belongs to a scheduled caste category. It was a simple marriage because marriage was solemnized during Covid-19. There was no exchange of gifts. As son of the appellants as well as appellants were aware of the fact that complainant belongs to a scheduled caste category, there was no question to pass castic remarks post marriage at least immediately after marriage. The complainant has alleged that appellants committed alleged offence immediately after marriage whereas FIR came to be registered on 03.03.2023 on the basis of complaint dated 21.10.2022. Offence under SC/ST Act is prima facie not made out, thus, this Court can grant concession of anticipatory bail in terms of different judgments of the Hon'ble Supreme Court.

Notice of motion, returnable for 11.07.2023.

On the asking of Court, Guramrit Kaur, DAG, Punjab, who on advance notice, is present in court, accepts notice on behalf of State-respondent.

Mr. Vinod K. Kaushal, Advocate, filed vakalatnama on behalf of respondent No. 2. The same is taken on record. Registry is directed to tag the same at an appropriate place.

Having considered contents of the FIR, role attributed to the appellants, gravity of

*offence, sentence prescribed for commission of alleged offence, arguments put forth by the appellants and law enunciated by Hon'ble Supreme Court in **Thana Singh v. Central Bureau of Narcotics**, (2013) 2 SCC 590, **Arnab Manoranjan Goswami V. State of Maharashtra**, (2021) 2 SCC 427, **Satender Kumar Antil V. CBI** (2022)10 SCC 51, **Siddharam Satlingappa Mhetre V. State of Maharashtra & Ors.**, 2010 SCC OnLine SC 1375, **Shri Gurbaksh Singh Sibbia V. State of Punjab** (1980) 2 Supreme Court Cases 565, **Arnesh Kumar V. State of Bihar** (2014) 8 SCC 273, this Court is of the prima facie opinion that appellants deserve protection from arrest. Accordingly, at the first instance, the appellants are directed to appear before investigating officer on 22.05.2023 and thereafter as directed by IO. In the event of arrest, the appellants shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The appellants shall co-operate the investigating officer.*

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

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.”

2. Learned counsel for the petitioner submits that pursuant to order dated 18.05.2023 passed by this Court, the petitioner has joined the investigation.
3. Learned State counsel does not dispute the statement made by learned counsel for the petitioner and further submits that petitioner has joined investigation and custodial interrogation is not required.
4. In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 18.05.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.
5. If the petitioner 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.

30.11.2023
anju

(JAGMOHAN BANSAL)
JUDGE

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