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

CRA-S-1846 of 2023

Date of Decision: 08.08.2023

Kamaljeet Singh @ Kamal

... Appellant

Versus

State of Punjab & Another

... Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Ms. Ravisha Mahajan, Advocate for
Mr. Vikas Bali, Advocate
for the appellant.

Mr.Anmol Singh Sandhu, A.A.G., Punjab

Mr. Rajesh Dhiman, Advocate
for respondent No.2/complainant.

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SANJIV BERRY, J. (ORAL)

The instant appeal has been preferred against the order dated 10.04.2023 passed by learned Additional District & Sessions Judge- cum Special Court, Ludhiana wherein application under Section 438 Cr.P.C seeking anticipatory bail in FIR No.24, dated 04.02.2023 under Sections 452, 323, 506, 148, 149, 427 of IPC (Section 458 IPC and Section 3 of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 added later on) registered at Police Station Sadar Khanna, Police District Ludhiana, (Annexure P-1), was dismissed.

2. Brief facts of the case are that the present FIR was registered on the statement/complaint of Paramjit Singh @ Pamma stating that on 03.02.2023 around 9 PM he was near the Dharamshala of the village where Akhand Path Sahib was being performed on the birth anniversary of Shri Guru Ravidas Ji, appellant along with co-accused came and surrounded the complainant and out of scuffle co-accused namely Satvir Singh @ Goni had hit upon the person of the complainant with iron rod and used anti-social remarks in respect of the cast of the complainant.

3. Appeal was listed on 11.07.2023 before Coordinate Bench of this Court and following orders were passed:-

“ Present appeal has been preferred under the Schedules Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 seeking grant of anticipatory bail as the bail petition filed by the appellant under Section 438 of the Cr.PC has been dismissed by the trial Court vide impugned order dated 10.04.2023.

Learned counsel for the appellant submits that the similarly situated co-accused against whom also similar allegations have been alleged, have already been extended the concession of anticipatory bail by the Coordinate Bench of this Court while passing order dated 10.03.2023 (Annexure A-7) in CRA-S-661-2023 titled as Inderjit Singh and another vs. State of Punjab and another as well as vide order dated 11.04.2023 (Annexure A-8) in CRA-S-845-2023 titled as Karamjit Singh @ Karamjit Sigh and another vs. State of Punjab and others, hence, on the basis of parity, the appellant herein may kindly be extended the concession of anticipatory bail.

Notice of motion.

Mr. Jaswinder Singh Arora, DAG, Punjab, who is present in Court accepts notice on behalf of the respondent-State of Punjab.

Learned State counsel on instructions from ASI,

Baljit Singh the fact that the allegations against the appellant herein are similar to that of appellants in CRA-S-661-2023 titled as Inderjit Singh and another vs. State of Punjab and another and CRA-S-845-2023 titled as Karamjit Singh @ Karamjit Singh and another vs. State of Punjab, who have already been granted concession of anticipatory bail by the Coordinate Bench of this Court.

I have heard learned counsel for the parties and have gone through the record with his able assistance. Keeping in view the fact that once the similarly situated co accused have already been extended the concession of anticipatory bail by the Coordinate Bench of this Court, on the ground of parity, the appellant has also made out a case for the grant of similar relief especially when no differentiating fact between the appellant herein and co-accused, who have already been granted concession of anticipatory bail by the Coordinate Bench of this Court, has been brought to the notice of this Court coupled with the fact that directing the appellant to join and cooperate in investigation will achieve the purpose of the investigation.

The appellant is directed to join the investigation forthwith. In the event of his 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 the satisfaction of the Arresting Officer/Investigating Officer 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 08.08.2023.”

4. Mr. Rajesh Dhiman, Advocate has put in appearance on behalf of the complainant-respondent No.2 and filed Power of Attorney. The same is taken on record. He has been heard.

5. It is submitted by learned counsel for the appellant that the appellant is innocent and has been falsely named in the present complaint. He submitted that in compliance with the order dated 11.07.2023 the appellant has already joined and cooperated with the investigation.

6. The learned State counsel on instructions from ASI Baljit Singh P.S. Sadar Khanna, District Ludhiana has submitted that the appellant has already joined investigation and is no more required for further investigation nor is he required for any custodial interrogation.

7. Heard learned counsel for the parties.

8. After considering the rival contentions and perusing the record, it transpires that the present case was registered at the instance of respondent No.2 complainant against the present appellant and other persons. As has been recorded in the order dated 11.07.2023 the co-accused have already been granted concession of bail in CRA-S-661-2023 titled as Inderjit Singh and another vs. State of Punjab and another and CRA-S-845-2023 titled as Karamjit Singh @ Karamjit Sigh and another vs. State of Punjab. Even from the perusal of FIR (Annexure A-1), no castic remarks have been alleged to be uttered by the present appellant. The appellant having joined the investigation and being no more required for further investigation nor being required for custodial interrogation, the interim order passed on 11.07.2023

is hereby confirmed and the appellant is directed to appear before Investigating Officer as and when so called by notice in writing, not to temper with the evidence in any manner, he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case nor will he leave country prior permission of the Court, besides strictly abiding by the terms and conditions enshrined under Section 438(2) Cr. P.C.

9. With these observations the appeal stands allowed.

10. However, any observation made above shall not be construed as opinion of this Court on the merits of the case and is only meant for the purpose of decision of present appeal.

(SANJIV BERRY)
JUDGE

08.08.2023

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |