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

**CRA-S-1883-2023 (O&M)
Date of decision : 22.08.2023**

Jagjeet Singh @ Jeeta and others

...Appellant(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Balrram Prashar, Advocate,
for the appellants.

Mr. Amish Sharma, AAG, Punjab,
assisted by HC Jugraj Singh.

MAHABIR SINGH SINDHU, J.

Present appeal has been filed under Section 14A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities), Act, 1989 (for short, '*the SC&ST Act*') read with Section 438 of the Code of Criminal Procedure, 1973 (for short, '*the Cr.P.C.*'), against the order dated 19.06.2023, passed by learned Judge, Special Court, Ludhiana, whereby, application for grant of pre-arrest bail to the appellants in FIR No.54 dated 02.06.2023, under Sections 325, 148, 149 & 506 (Section 307 added subsequently) of the Indian Penal Code, 1860; and Section 3 of the SC&ST Act (added subsequently), registered at Police Station Dehlon, District Ludhiana, was rejected.

2. Allegations against the appellants are that they along with other co-accused caused injuries to the complainant-Amrik Singh and used derogatory words against his caste.

3. The Coordinate Bench, on 17.07.2023, granted interim bail to appellants and relevant part of the same is recapitulated as under:-

“The present appeal has been filed challenging the order dated 19.06.2023 passed by the court below and for the grant of anticipatory bail in respect of FIR No. 54, dated 02.06.2023, registered under Sections 325, 148, 149, 506 IPC (Section 307 IPC and Section 3 of SC/ST (Prevention of Atrocities) Act, 1989 added later on) at Police Station Dehlon, Ludhiana.

Learned counsel for the appellants submits that the parties have already compromised their dispute in order to live peacefully as complainant as well as the appellants belong to same village. Learned counsel for the appellants further submits that nothing has come on record to substantiate the allegations alleged under SC/ST (Prevention of Atrocities) Act, 1989, hence, keeping in view the said fact, the appellants be granted the concession of anticipatory bail.

Notice of motion.

Mr. Jaswinder Singh Arora, learned Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and Mr. Himanshu Puri, Advocate, appears in Court on behalf of respondent No. 2.

Learned State counsel on instructions from SI Jaswinder Singh submits that the matter is still under investigation.

Learned counsel for the complainant submits that the parties have already compromised their issue in order to leave peacefully in the village and submits that he has no objection, in case the appellants are extended the concession of anticipatory bail.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

*Keeping in view the facts and circumstances mentioned hereinbefore, once the parties have already compromised their issue and keeping in view the judgment of the Hon'ble Supreme Court of India in Criminal Appeal No. 1489 of 2012 titled as **Ramgopal and another Vs. State of Madhya Pradesh**, decided on 29.09.2021, the appellants have made out a case for the grant of anticipatory bail. Accordingly, the impugned order dated 19.06.2023 is set-aside.*

The appellants are directed to join the investigation forthwith and cooperate.

In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on their furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

- i) That they shall make himself available for interrogation by the police officer as and when required.*
- (ii) That they 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 they shall not leave India without prior permission of the Court.*
- (iv) That they shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.*

Adjourned to 22.08.2023.

It is, however, made clear that after the appellants join the investigation, in case any incriminating material comes against the appellants, the respondent-State will be at liberty to file appropriate application seeking the custody of the appellants in case, the same is needed.”

4. Contends that in terms of the aforesaid order, appellants have already joined investigation and their custodial interrogation is not required.
5. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the appellants is not required at this stage.
6. In view of above, interim order dated 17.07.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
7. It is also made clear that appellants shall fully co-operate with the Investigating Officer as and when called for further investigation.
8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. Disposed off accordingly.

22.08.2023
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No