

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

227

CRA-S-1734-2022

Date of decision: 20.03.2023

Varun Sharma

.....Appellant

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. H.S. Deol, Advocate
for the appellant.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The appellant is impugning the order dated 08.09.2022 passed by learned Additional Sessions Judge, SAS Nagar (Mohali) whereby his application for grant of anticipatory bail in case FIR No.269 dated 20.08.2022 under Sections 323, 341 and 506 of the IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the SC/ST Act') (Section 384 of the IPC and Sections 25, 27, 30/54/59 of the Arms Act, 1959 added lateron) registered at Police Station Dera Bassi, District SAS Nagar (Mohali), was dismissed.

Vide order dated 13.09.2022, a Coordinate Bench of this Court had granted interim anticipatory bail to the appellant with direction to join investigation. Relevant extract of the order dated 13.09.2022 is reproduced as under:-

“Learned counsel for the appellant has submitted that the appellant has been falsely implicated in the

present case. He referred to Annexure P-1 which is the FIR and submitted that the alleged incident had taken place on 01.08.2022 and the police received the complaint whereby a Rapat No.23 was incorporated on 05.08.2022 and thereafter the present FIR was lodged on 20.08.2022 but a perusal of Annexure P-1 would show that there is nothing with regard to any allegations pertaining to caste. He submitted that the petitioner has been falsely implicated because of the political enmity with the opposite party because the son of the petitioner is a Municipal Councilor.

Notice of motion.

Mr. Amit Rana, learned Senior DAG, Punjab accepts notice on behalf of the State.

On a query being raised to the learned State counsel as to what was the role of the petitioner since there was nothing in the FIR Annexure P-1 with regard to any caste remark except for the fact that the complainant was called by bad names. He referred to one statement of the complainant, and stated that the same was not the part of the FIR, although it was stated to be noted prior to the lodging of the aforesaid FIR. He has therefore prayed for some time to file an affidavit.”

Learned counsel appearing for the appellant submits that in compliance of order dated 13.09.2022, the appellant has joined investigation and cooperated with the investigating agency.

The submissions made by learned counsel for the appellant are not disputed by the learned State counsel, who on instructions from ASI Paramjit Singh, submits that the appellant is not required for his custodial interrogation.

In view of the above, the instant appeal is allowed and order dated 13.09.2022 granting interim bail to the appellant, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

20.03.2023

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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No