

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

**CRA-S-2229-2023 (O&M)
Date of decision : 11.10.2023**

Rajwinder Kaur and Anr.

...Appellants

Versus

State of Punjab and Anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vivek K. Thakur, Advocate for the appellants.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab
for the respondent-State.

Ms. Vaishali Thakur, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present appeal has been filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short 'SC/ST Act'), 1989, for grant of pre-arrest bail in FIR No.54 dated 06.07.2023, under Sections 3(1) (r) of the SC/ST Act, registered at Police Station Sadar Phagwara, District Kapurthala.

(2) Allegations are that appellants hurled derogatory words against the complainant, namely, Manjit Singh.

(3) This Court vide order dated 18.08.2023, granted interim bail to appellants and the same reads as under:-

“Contents that matter has been compromised between the parties at their own level.

Notice of motion.

On asking of the Court, Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of respondent No.1 and seeks time to have instructions and/or file written response in the matter.

Ms. Vaishali Thakur, Advocate has filed Power of Attorney on behalf of respondent No.2 and acknowledged the above factual position.

Posted for 14.09.2023.

In the meanwhile, appellants shall join investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit them to interim bail in the present case, till the next date of hearing, on their furnishing adequate bail and surety bonds to his satisfaction. The petitioners are also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973. ”

- (4) Learned Counsel submits that in pursuance of the aforesaid order, appellants have already joined the investigation and their custodial interrogation is not required.
- (5) Learned State Counsel, on instructions from ASI Buta Ram, submits that appellants have joined investigation and their custodial interrogation is not required.
- (6) On the other hand, learned counsel for the complainant vehemently opposed the prayer of the appellants.
- (7) Since the State of Punjab is not asking for custodial interrogation; therefore, the objection raised by the complainant is rejected.
- (8) In view of above, interim order dated 18.08.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (9) It is also made clear that appellants shall fully co-operate with the Investigating Officer as and when called for further investigation.

(10) 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.

(11) Disposed off accordingly.

11.10.2023
jyoti3

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable: Yes/No