

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

CRA-S-1930-2022

Date of decision : 17.07.2023

ARMINDER SINGH AND ANR.

....Appellants

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ankur Bansal, Advocate
for the appellants.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

Appellants herein are aggrieved of the order dated 13th of September, 2022 passed by the Addl. Sessions Judge, Jalandhar whereby the petition filed at their behest seeking anticipatory bail stands dismissed.

2. While issuing notice of motion, following order was passed :

“xxxx

Learned counsel for the appellants submits that the appellants have been falsely implicated in this case. The provisions of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, are not attracted. The co-accused, namely, Karamjit Singh has already been arrested and was released on regular bail. The allegations against the appellants are that they gave life threats to the complainant and also hurled abuses at him in the name of their castes and further threatened that they would not spare them. These are the general allegations just to attract provisions of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act. Earlier the co-accused, Karamjit Singh was given injuries. His medical report is annexed as Annexures P-5 and P-6. The complaint was filed before the Senior Superintendent of Police (Rural), Jalandhar (Annexure P-7) against the complainant and other persons, but no action was taken by the police. Earlier two

FIRs were registered against the complainant and others (Annexures P-3 and P-4). The instant case was registered only to put the pressure upon the appellants and Karamjit Singh not to oppose them.

Since it is a case of no injury, previous litigation is also pending and general allegations of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act were levelled, which is debatable, if provisions of Scheduled Castes & Scheduled Tribes (prevention of Atrocities) Act are attracted in view of the law laid down in the case of “*Prathvi Raj Chauhan vs. Union of India and others*”, 2020(2) SCC (Criminal) 657.

Adjourned to 25.04.2023.

Meanwhile, in the eventuality of arrest of the appellants in the instant case, they shall be enlarged on interim bail subject to their furnishing personal bond/surety bond to the satisfaction of Investigating Officer/Arresting Officer. The appellants shall join the investigation as and when called upon to do so by the Investigating Agency. The appellants shall abide by the conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit.”

3. Today, Ld. State Counsel on instructions from ASI Amrik Lal, Police Station Noor Mahal, submits that the appellants have already joined investigation and are no more required for custodial interrogation.
4. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 24th of January, 2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.
5. Consequently, the instant appeal is allowed.

July 17, 2023
Dpr

(Pankaj Jain)
Judge

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