

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

**CRA-S-2486-2023 (O&M)
Date of decision : 30.11.2023**

Vijay Kumar

...Petitioner

Versus

State of Punjab and another

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Shivender Singh, Advocate for
Mr. B.S. Bhalla, Advocate
for the appellant.

Mr. C.L. Pawar, Addl. A.G., Punjab.

Ms. Amarjot Kaur, Advocate for respondent No. 2.

MAHABIR SINGH SINDHU, J.

Present appeal has been filed under Section 14 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST' Act) for setting aside order dated 21.08.2023 passed by learned Additional Sessions Judge, Moga and for grant of pre-arrest bail to the appellant in FIR No.159 dated 12.08.2023, under Sections 3(1) (r), 3(1) (s) of SC/ST Act, registered at Police Station City South, Moga.

(2) Allegations are that the appellant defamed complainant-Kamaljit Singh; called him by caste and threatened to give beatings.

(3) This Court, on 05.09.2023, granted interim bail to the appellant and which reads as under:-

“Contends inter alia that matter has been settled amicably between the parties and petition for quashing of FIR (CRM-M-43601-2023) is pending for 30.11.2023.

Notice of motion for 30.11.2023.

To be heard along with CRM-M-43601-2023.

In the meanwhile, appellant shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of

hearing, on furnishing adequate bail and surety bonds to his satisfaction. The appellant shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

(4) Learned Counsel submits that in pursuance of the aforesaid order, appellant has already joined the investigation and his custodial interrogation is not required.

(5) Learned State Counsel, on instructions from ASI-Varinder, also acknowledged that appellant has joined investigation and as on today, his custodial interrogation is not required.

(6) Learned counsel for respondent No. 2 has also not opposed the prayer of appellant for pre-arrest bail.

(7) In view of above, impugned order dated 21.08.2023 is set aside and interim order dated 05.09.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(8) It is also made clear that appellant shall fully co-operate with the Investigating Officer as and when called for further investigation.

(9) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present appeal.

(10) It is made clear that in case of any recurrence on the part of the appellant, the State as well as complainant would be at liberty to move an application for recalling of this order.

(11) Disposed off accordingly.

(12) Pending application(s), if any, shall also stand disposed off.

30.11.2023

Harish Kumar

**(MAHABIR SINGH SINDHU)
JUDGE**

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