

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

CRA-S-2446-2023

Date of decision : 19.12.2023

Naib Singh

...Appellant

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sidharth Gupta, Advocate for the appellant.

Mr. Joginder Pal Ratra, Sr. DAG., Punjab.

Mr. Gautam Thapar, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present appeal has been filed under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities), Act, 1989 (for short, 'the SC&ST) Act'), for setting aside the order dated 01.02.2023 passed by learned Judge, Special Court, Bathinda under the SC&ST Act, Bathinda, whereby, application under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') for grant of pre-arrest bail to the appellant in FIR No. 0002 dated 05.01.2023, under Sections 3(1) (r) and 4 of SC & ST Act, 1989 (Amendment Act 2015), Section 3(1) (g) of SC &ST Act, 1989 and Section 189 of IPC added later on, registered at Police Station Sadar, Bathinda, District Bathinda, was dismissed.

2. As per the prosecution story, appellant along with their accomplices abused the complainant with filthy language; passed derogatory remarks in the name of caste of the complainant; and criminally intimidated him.

3. Contends that after investigation of FIR, cancellation report has already been submitted by the police on 02.11.2023 before the Court of competent jurisdiction and appellant is not required for custodial interrogation.

4. Learned State counsel on instructions of Head Constable-Rajwinder Singh duly acknowledged the above factual position.
5. Learned counsel for complainant has also not disputed the above facts.
6. As a result thereof, there is no other option except to set aside the impugned order dated 01.02.2023 passed by learned Court below.
7. Consequently, appeal is allowed; impugned order dated 01.02.2023 is set aside; and appellant shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, 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.
8. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. Disposed off accordingly.
10. Pending application(s), if any, shall also stand disposed off.

19.12.2023
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>