

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

**CRA-S-2777-2023 (O&M)
Date of Decision:29.11.2023**

Harbans Singh and Anr.

...Appellants

vs.

Satnam Singh

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Inderjit Sharma, Advocate
for the appellants.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. Simranjot Singh Nagra, Advocate
for the respondent.

N.S.Shekhawat J. (Oral)

Mr. Simranjot Singh Nagra, Advocate has put in appearance on behalf of respondent by filing his Vakalatnama, which is taken on record.

The appellants have filed the present appeal under Section 14-A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC & ST Act') against the order dated 22.09.2023 passed by the Additional Sessions Judge, Gurdaspur, whereby anticipatory bail application of the present appellants was dismissed in a case arising out of Complaint under Section 3 of the SC & ST Act read with Section 447/506 IPC.

While granting the concession of interim anticipatory bail to the appellants on 11.10.2023, this Court had noticed the following contentions made by learned counsel for the appellants:-

“Learned counsel for the appellants submits that the appellants

have been falsely involved due to pendency of a civil litigation between the parties. He further submits that a civil suit regarding a plot is already pending between Amarjit Singh, appellant No.2 and Amar Nath, father of the complainant in the Court of Civil Judge (JD), Gurdaspur and the copy of the plaint of the civil suit has been annexed as Annexure P-3. He further contends that interim injunction application in the said civil suit was allowed in favour of the complainant party, however, Amarjit Singh, appellant No.2, filed a miscellaneous appeal before the court of District Judge, Gurdaspur and the parties have already been directed to maintain status quo, during the pendency of the appeal vide order Annexure P-5. Learned counsel further contends that earlier also, respondent/complainant had lodged a complaint with the Punjab Human Rights Commission and SSP, Gurdaspur was directed to file a report. On enquiry by DSP, Gurdaspur, it was found that no offence under Section 3 of the SC & ST Act is made out against the present appellants. However, later on, the respondent instituted a criminal complaint (Annexure P-1) with an oblique motive and the appellants have been wrongly summoned vide summoning order dated 14.08.2023 (Annexure P-2), even though no offence under Section 3 of the SC & ST Act is made out against the appellants. He also contends that the appellants are ready to surrender before the court below to join further proceedings.”

Learned counsel appearing on behalf of the appellants has reiterated the said submissions and submits that the appellants have surrendered before the Court below and have been admitted to interim bail.

On the other hand, learned State counsel assisted by learned counsel appearing on behalf of respondent No.2/complainant have vehemently opposed the submissions made by learned counsel for the appellants.

I have heard the learned counsel for the parties and perused the record.

In view of the above, the interim order dated 11.10.2023 is made absolute. It is made clear that the appellants shall continue to appear before the Trial Court on each and every date of hearing and shall not absent themselves from the Trial Court proceedings, without prior permission of the Trial court.

All other pending applications, if any, also disposed off, accordingly.

29.11.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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