

238 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-2343-2022

Date of Decision: March 09, 2023

Jagat Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. A.S. Barnala, Advocate for the appellant.

Mr. R.S. Khaira, DAG, Punjab.

Mr. Hitesh Verma, Advocate for the complainant.

DEEPAK GUPTA, J.(Oral)

By way of filing this appeal, appellant is praying for granting anticipatory bail in case FIR No.89, dated 20.09.2022, registered at Police Station Tapa Mandi, District Barnala, under Sections 341, 323, 506 and 34 of IPC, besides Section 3(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred as 'the SC & ST Act').

It is stated by learned State counsel that in compliance of the order dated 07.12.2022, appellant has since joined the investigation and is no longer required for further investigation.

However, learned counsel for the complainant has opposed the prayer for grant of anticipatory bail and to make the order dated 07.12.2022 absolute on the plea that the appeal for grant of anticipatory bail in a case involving the provision of SC & ST Act is not maintainable.

It is revealed that the only attribution to the appellant is that he raised *lalkara* and declared that complainant will not be let go and will be taught lesson for grazing goats. The allegations regarding

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inflicting injuries or to abuse the complainant by using derogatory remarks regarding his caste is attributed to Parminder Singh, son of the appellant and not to the appellant.

Contention of the complainant is that even if derogatory remarks regarding the caste of the complainant were not uttered by the appellant, he will still not be entitled to the benefit of anticipatory bail.

Considering the attribution to the appellant, it will be a moot point as to whether the provisions of SC & SC Act will be applicable qua the appellant. At this stage, I find no ground to decline the relief of anticipatory bail to the appellant, once he has joined the investigation and also having regard to only attribution to him is only *lalkara*.

As such, order dated 07.12.2022 is hereby made absolute. However, the appellant shall continue to join investigation, if and so required by the Investigating Officer.

Disposed of.

March 09, 2023

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(DEEPAK GUPTA)
JUDGE

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