

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

225

CRA-S-2721-2022

Date of Decision: 20.04.2023

Gurjit Singh

...Appellant

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Ms. Ishita Negi, Advocate for
Mr. Namit Gautam, Advocate for the appellant
Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Gurmeet Singh)

JAGMOHAN BANSAL, J. (ORAL)

1. On 21.12.2022, the following order was passed:-

“The appellant has assailed the order dated 09.12.2022 passed by the Court of learned Additional Sessions Judge, Jalandhar vide which application for anticipatory bail in the case bearing General Diary No.36 dated 26.11.2022, under Section 3 of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “the Act”) and Section 354 IPC, P.S. Adampur, has been dismissed.

Learned counsel for the appellant contends that the allegations levelled by the complainant against the appellant are to the effect that on 22.11.2022, he gave slaps, abuses and uttered derogatory remarks against her caste. It is submitted that the entry in the general diary has been recorded as a counterblast to the case bearing FIR No.196 dated 26.11.2022, under Section 323/341/506 read with Section 34 IPC, registered at

Police Station Adampur, District Jalandhar (Rural). The FIR has been registered at the instance of the appellant as the son of the complainant had inflicted injuries upon his person. There was a monetary dispute between the parties. There is no allegation in the General Diary that the alleged derogatory utterances were made in public view or the appellant was aware of the caste of the complainant. As such, the bar under Section 18 of the Act is not attracted.

Notice of motion.

Ms. Ruchika Sabherwal, DAG, Punjab accepts notice on behalf of the respondent-State.

Adjourned to 20.04.2023.

Meanwhile, it is directed that in the event of arrest, the appellant be admitted on interim bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

2. Learned State counsel, on instructions from ASI Gurmeet Singh, submits that appellant has joined investigation and no custodial interrogation is required.

3. In view of the above facts and circumstances, the appeal is allowed and the interim bail granted to the appellant vide order dated 21.12.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

4. If the appellant or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

20.04.2023
Mohit Kumar

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