

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

243

CRA-S-2804-2022

Date of decision: 21.09.2023

Gursimran Singh Dubb

.....Appellant

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Himani, Advocate for
Mr. C.S. Rana, Advocate
for the appellant.

Mr. Pankaj Khullar, AAG, Punjab.

Mr. Mohd. Salim Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The appellant is impugning the order dated 27.12.2022 passed by learned Additional Sessions Judge, Jalandhar whereby his application for grant of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.98 dated 31.05.2022 under Sections 279, 337, 338, 427, 304-A of the IPC and Sections 212 and 506 of the IPC and Section 3(1) of the SCST Act, 1989 (added lateron) registered at Police Station Bhargo Camp, Jalandhar, was dismissed.

2. On 03.01.2023, while noticing the following submissions made by the learned counsel for the appellant, a Coordinate Bench of this Court, had granted the concession of interim bail to the petitioner and asked him to surrender before the Illaqa Magistrate/Duty Magistrate within a period of 07 days:-

“Learned counsel appearing on behalf of the

appellant, inter alia, contends that the appellant has been falsely implicated in the present case wherein the name of the appellant has been incorporated in a supplementary statement recorded after a period of six months. He contends that there was no occasion or reason for the appellant to have uttered any offending remarks. Moreover, even the said attribution is to the co-accused and not to the appellant. He contends that the petitioner is not required in any other case and no recovery is to be effected from the petitioner. He further submits that the petitioner shall surrender before the Illaqua Magistrate/Duty Magistrate within a period of 07 days from today.”

3. Learned counsel for the appellant submits that in compliance of order dated 03.01.2023, the appellant surrendered before the Illaqua Magistrate/Duty Magistrate concerned and thereafter admitted to interim bail.

4. Learned State counsel, on instructions, does not dispute the factum of the appellant having surrendered before the Illaqua Magistrate/Duty Magistrate concerned and thereafter admitted to interim bail.

5. Learned counsel appearing for the complainant has vehemently opposed the prayer made by the counsel for the appellant for extending the concession of anticipatory bail to the appellant. It has been submitted that no doubt it was after 06 months a supplementary statement was made qua the involvement of the appellant, however, the fact remains that the allegations have been levelled therein qua the appellant of indulging in casteist remarks.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. Since the appellant has surrendered before the Illaqua

Magistrate/Duty Magistrate concerned in compliance of order of this Court, and been admitted to interim bail, the instant appeal is allowed and the impugned order dated 27.12.2022 is set aside. Interim order dated 03.01.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

21.09.2023

(MANJARI NEHRU KAUL)

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JUDGE

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