



235 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRA-S-305-2024 (O&M)
Date of Decision: 27.05.2024

Jagtar Singh

..... Appellant

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Tanvir Joshi, Advocate,
for the appellant.

Mr. Neeraj Madaan, Sr. DAG, Punjab
for respondent No.1, assisted by ASI Nazar Singh.

None for respondent No.2 despite service.

MAHABIR SINGH SINDHU. J.

Present appeal has been preferred under Section 14-A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989 (for short "the Act") for seeking pre-arrest bail in FIR No.99 dated 11.09.2023 registered under Sections 458, 323, 427, 341, 506 & 148 read with Section 149 IPC and Section 3 of the Act, at Police Station, Longowal, District Sangrur and for setting aside order dated 23.11.2023 passed by learned Additional Sessions Judge/Special Court, Sangrur declining pre-arrest bail to the appellant.

2. Allegations are that on 10.09.2023, appellant along with co-accused Amardeep Singh, Manpreet Singh @ Mani, Onkar Singh and Kuldeep Singh, abused Surjit Singh i.e. paternal uncle of complainant in the name of his caste and threatened to kill him. Also alleged that accused gave slaps and fist blows to the daughter and daughter-in-law of Surjit Singh.

3. Learned counsel for appellant contends that injuries attributed to the appellant are simple in nature and no offence under Section 3(1)(x) of the Act is made out against the appellant. Also contends that appellant was granted



interim bail by this Court on 08.04.2024 and in pursuance thereof, he has joined investigation, therefore, his custodial interrogation would not serve any purpose.

4. Learned State counsel after obtaining instructions from the quarter concerned is not able to dispute the above factual position.

5. Despite service, no one has come forward on behalf of respondent No.2.

6. Heard learned counsel for the parties and perused the paper-book.

7. This Court on 08.04.2024, granted interim bail to appellant and the order reads as under:-

“Status report dated 19.03.2024 by way of affidavit of Mandeep Singh, PPS, Deputy Superintendent of Police, Sub Division Sunam, District Sangrur, on behalf of respondent-State has been filed, which is taken on record.

Copy supplied to other side. Registry to tag the same at appropriate place.

Contends, inter alia, that injuries attributed to the appellant are simple in nature and no offence under Section 3 (1) (x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is made out against the appellant.

Despite service, none has appeared on behalf of respondent No. 2.

Let fresh notice be issued to respondent No. 2 for 30.04.2024. In the meanwhile, appellant shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, 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. It is not in dispute that in pursuance of the aforesaid order, appellant has joined investigation. Also to be noticed that Police is not asking



for his custodial interrogation; nor the complainant has chosen to appear and/or oppose the prayer of appellant. Thus, in such a scenario, there is no option, except to allow the present appeal.

9. Consequently, appeal is allowed; impugned order dated 23.11.2023 passed by learned Additional Sessions Judge/Special Court, Sangrur is set-aside and the interim order dated 08.04.2024 is made absolute, subject to conditions as envisaged under Section 438(2) Cr.P.C.

10. It is also made clear that appellant shall fully co-operate with the Investigating Officer as and when called for further investigation.

11. 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.

12. Pending criminal misc. application(s), if any, shall also stand disposed off.

27.05.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No