

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRA-S-550-2024  
Date of decision: 11.03.2024

HARDEEP SINGH @ CHEEMA ....APPELLANT

VERSUS

STATE OF PUNJAB AND ANOTHER ....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Ms. Ravisha Mahajan, Advocate for the appellant.

Mr. Ankit Grewal, DAG, Punjab.

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SANJIV BERRY, J.(ORAL)

1. Instant appeal has been preferred against the order dated 03.01.2024 vide which the anticipatory bail of the appellant, filed under Section 438 Cr.P.C., in case FIR (Annexure A-1), had been declined by the learned Judge, Special Court, Ludhiana. Details of the FIR are as under:

| FIR No. | Dated      | Sections                                                                                                      | Police Station |
|---------|------------|---------------------------------------------------------------------------------------------------------------|----------------|
| 24      | 04.02.2023 | 452, 323, 506, 148, 149, 427, 458 of IPC and Section 3 of the SC and ST (Prevention of Atrocities) Act, 1989. | Sadar, Khanna. |

2. Notice to respondent No.2 duly served but none has put in appearance on his behalf.

3. Learned counsel for the appellant submits that in compliance to the order dated 12.02.2024 passed by this Court, the appellant has already joined the investigation and is co-operating with the investigating agency.

4. Learned State counsel, on instructions from HC Ranjit, has affirmed the factum of the appellant joining the investigation and

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co-operating with it and that the appellant is not required for further investigation nor is required for custodial interrogation in the matter.

5. During the course of hearing on 12.02.2024, following order was passed:

“1. *Heard.*

2. *It is, inter alia, contended by learned counsel for the applicant-appellant that appellant has been falsely implicated in case FIR No. 24 dated 04.02.2023 under Sections 452, 323, 506, 148, 149, 427 IPC and later on Section 458 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989, were added. He further contends that the appellant is innocent and has not committed any crime.*

3. *Learned counsel for the appellant contends that co-accused, namely Inderjit Singh (vide order dated 10.03.2023 passed in ‘CRA-S-661-2023, Inderjit Singh and another vs. State of Punjab and another’, Annexure P-7); Karamjit Singh (vide order dated 11.04.2023 passed in ‘CRA-S-845-2023, Karamjit Singh @ Karmjit Singh and another vs. State of Punjab and others’ Annexure P-8) and Kamaljeet Singh (vide order dated 08.08.2023 passed in ‘CRA-S-1846-2023, Kamaljeet Singh @ Kamal vs. State of Punjab and another’ Annexure P-9) have since been granted the concession of bail.*

4. *Learned counsel for the appellant further contends that the allegations against the present appellant are also similar to the above named co-accused and the appellant having not done anything, seeks parity with the same. He further contends that the appellant is ready to join the investigation.*

5. *Notice of motion, returnable for 04.03.2024.*

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6. *On the asking of the Court, Mr. Harpreet Singh, Addl. AG, Punjab, who is present in Court, accepts notice and on instructions from ASI Baljit Singh, submits that the case of the appellant is at parity with the case of the other co-accused dealt vide aforesaid orders dated 10.03.2023, 11.04.2023 and 08.08.2023 (supra). He prays for time to file the status report in the matter.*

7. *Notice to respondent No. 2 be issued for the date fixed through the Registry of this Court.*

8. *In the meanwhile, the appellant is hereby directed to join investigation within seven days from today and in that event, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer, subject to the following conditions: -*

*(i) That he shall make himself available for interrogation by the police officer as and when required;*

*(ii) That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer;*

*(iii) That he shall not leave India without prior permission of the Court;*

*(iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.PC.”*

6. After hearing the respective submissions and perusing the record, it transpires that in compliance to the order dated 12.02.2024 passed by this Court, the appellant has already joined investigation and is no more required for further investigation at this stage nor he is required for any custodial interrogation. Without commenting on the merits of the

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case, present appeal is hereby allowed and interim bail granted vide order dated 12.02.2024 is hereby confirmed subject to compliance of conditions as specified under Section 438 (2) of Cr.P.C. Further, the appellant is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. The appeal stands allowed.
8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)  
JUDGE

11.03.2024

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- i) Whether speaking/reasoned?

Yes/No
- ii) Whether reportable?

Yes/No