

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRA-S-755-2024

Date of decision: 21.03.2024

Mohinder Singh and another

....Appellants

V/s

State of Punjab and another

....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Manjit Singh Uppal, Advocate for the appellants.

Mr. Anup Singh AAG Punjab.

Mr. J.S. Khiva, Advocate for respondent No.2.

SUMEET GOEL, J. (Oral)

1. Present appeal has been filed for grant of anticipatory bail to the appellants in case FIR No.13 dated 26.01.2024, under Sections 354-A/34 IPC and Sections 3(1)(s) and 3(2)(va) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 registered at Police Station Sadar Budhlada, District Mansa.

2. On 26.02.2024 the following order was passed:-

“Apprehending their arrest in FIR No. 13 dated 26.01.2024 registered for offences punishable under Sections 354-A/34 IPC and Sections 3(1)(s) and 3(2)va of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 at Police Station Sadar Budhlada, District Mansa; the appellants have preferred this appeal seeking pre-arrest bail.

Inter alia contends that the actual genesis of the FIR in question is a matrimonial discord between respondent No.2/complainant and Rajwinder Singh (who is grandson of appellant No.1 and brother-in-law of appellant No.2); the alleged offences under the prevention on of the Scheduled Caste and Scheduled Tribe Act, 1989 are not made out against the appellants in the facts and circumstances of the case; the FIR in question has been lodged so as to arm-twist the family of Rajwinder Singh

for an amicable settlement & appellants are willing to join investigation and cooperate therein.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh Thind, AAG, Punjab, appears and accepts notice on behalf of the respondent-State. Mr. J.S. Khiva, Advocate appears and files memorandum of appearance on behalf of respondent No.2/complainant. The same is taken on record.

Adjourned to 21.03.2024.

The appellants are directed to appear before the Investigating Officer on 01.03.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the appellants shall be released on interim bail subject to their furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer As and when further called by Investigating Officer, the appellants shall join the investigation. They shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C”

3. Learned State counsel, on instructions from HC Malvinderjit Singh, has stated that pursuant to the order dated 26.02.2024, the appellants have joined investigation and are no longer required for custodial interrogation.

4. Learned counsel for respondent No.2 has vociferously opposed the grant of anticipatory bail to the appellants by arguing that the allegations against the appellants are serious in nature and they ought not to be extended the concession of anticipatory bail.

5. In view of the above, the interim order dated 26.02.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. This order should not be treated as “blanket” order. It will not be read granting appellants indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the appellants violate any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

March 21, 2024
Ajay

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