

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S No.823 of 2023
Date of decision: 4th January, 2024

Nirmal Singh

... Appellant

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Siddharath Gupta, Advocate for the appellant.
Mr. Anup Singh, Asst. Advocate General, Punjab
for the respondent/State.
Mr. Amandeep Saini, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The appellant is challenging the order dated 09.03.2023 passed by learned Additional Sessions Judge, Bathinda whereby his application seeking grant of anticipatory bail in case bearing FIR No.12 dated 17.02.2023 for the offences under Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Balianwali, District Bathinda was dismissed.

2. On the last date of hearing, i.e. 18.07.2023, this Court had granted the concession of interim bail to the appellant and asked him to join investigation on the basis of following submissions made by learned counsel for the appellant on 20.03.2023:

“Learned counsel for the petitioner submits that it was on account of a property dispute between the parties that

false and fabricated allegations stood levelled in the FIR annexed as Annexure A-1 by the complainant wherein he alleged that certain casteist remarks had been made to him. Learned counsel also submits that it was a matter of record that prior to the registration of the FIR in question, the petitioner had lodged an FIR dated 12.04.2022 under Section 379 of the IPC at Police Station Balianwali, District Bathinda.”

3. Learned counsel for the appellant submits that in compliance of the order dated 18.07.2023, the appellant has joined investigation and cooperated with the investigating agency.
4. Learned State counsel, on instructions, does not dispute the factum of the appellant having joined investigation and cooperated with the investigating agency. He, on further instructions submits that the appellant is not required for further investigation much less for his custodial interrogation.
5. In the circumstances, the appeal is allowed and the interim order dated 18.07.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the appellant misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

January 04, 2024
rps

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