

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

235

CRA-S-1166-2024
Date of decision: 29.04.2024

LAKHWINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. S.S. Majithia, Advocate
for the petitioner.

Mr. Raghav Garg, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. On the last date of hearing, i.e. 01.04.2024, the following order was passed:-

“Through the instant appeal, the appellant throws challenge to the order dated 11.03.2024, whereby the application filed under Section 438 of the Cr.P.C. having apprehension to be arrested, by the appellant in case FIR No.16, dated 20.02.2024, under Section 506 of the IPC and Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been dismissed.

As per the FIR, one Dalbir Singh, son of Kartar Singh filed a complaint dated 12.02.2024 to the SSP, Amritsar (Rural), alleging therein, that he was working as a labourer with the present appellant at his dairy farm, of the last 10 years and there is a balance of Rs.2,000/- on account of his labour dues, and provident fund of 10 years.

It is further alleged that the appellant is now unable to carry out labour work as he is partially blind, and he refused to continue with the appellant as a labourer, which instigated the appellant, and

he on dated 04.02.2024, made a phone call abused him in the name of caste.

On the basis of the above allegation, the instant FIR was registered.

Learned counsel for the appellant in asking for the relief of pre-arrest bail submits that, the caste related word, though specifically denied, even if it has been made by the appellant, the same has been made on a telephone, which is not in the public view. Further, even in case the allegation is treated as a gospel truth, the ingredients of Sections 3 and 4 of the aforesaid Act, are not attracted in the instant petition.

On the last date of hearing, i.e. 20.03.2024, notice of motion was issued, and as per the office report, notice issued to respondent no.2 has been received back served through his daughter. In this regard, learned counsel for the appellant has also filed the dasti summons, today in the Court, which is taken on record.

The case was called twice, but no one has caused appearance on behalf of respondent no.2.

In view of the above, respondent no.2, is proceeded against ex parte.

Considering the aforesaid facts and circumstances of the present matter, this Court deems it fit and appropriate, at this stage, to direct the appellant to join the investigation, and on his doing so, the appellant be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the appellant shall continue to join the investigation, as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Adjourned to 29.04.2024.”

2. Today, the learned State counsel on instructions imparted to him by ASI Sikander Lal, submits that the appellant has already joined the investigation

and he is fully co-operating with the investigation process and he is not required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present appeal is **allowed** and order dated 01.04.2024 is, hereby, made absolute subject to the condition that the appellant shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

29.04.2024
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(KULDEEP TIWARI)
JUDGE

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