

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S No.917 of 2023

Date of decision: 14th March, 2024

Bhola Singh

... Appellant

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Tarun Singla, Advocate for the appellant.

Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant appeal has been filed against the order dated 17.03.2023 whereby application under Section 438 Cr.P.C. for grant of anticipatory bail to the appellant in case FIR No. 0012 dated 17.02.2023 under Sections 3(1)(r) & 3(1)(s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Balianwali, District Bathinda, was dismissed.

2. On 18.07.2023, this Court had granted the concession of interim bail to the appellant and asked him to join investigation in the light of following submissions made by learned counsel for the appellant on 28.03.2023:

“Learned counsel for the appellant submits that it was a matter of record that the relations between the complainant and one of the co-accused, namely, Nirmal

Singh, who was a closed associate and friend of the appellant, was not cordial and there was a case also registered against the complainant at the instance of the said Nirmal Singh. Hence, it was in the above background, a false and fabricated case had been planted upon the appellant on the allegations that all the accused including the appellant had indulged in derogatory and castists remarks through whatsapp calls/video calls, against the complainant. Learned counsel for the appellant further submits that alleged crime was committed on 22.03.2022 and the FIR was registered only on 17.02.2023.”

3. On the last date of hearing i.e. 04.01.2024, learned State counsel had been directed to verify as to whether the appellant was involved in some other criminal case. Learned State counsel, on instructions from Addl. SP (Ms) Deepti Garg, has not disputed the involvement of the appellant in another case, however, it has been submitted that it is a case of version and cross version, wherein both the sides received injuries at the hands of each other.

4. 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.

5. 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.

6. 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

March 14, 2024

rps

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