

2024:PHHC:041958
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-1226-2024
Date of Decision:22.03.2024

Jagnandan Singh

...Appellant

vs.

State of Punjab and Anr.

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

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

N.S.Shekhawat J. (Oral)

1. The appellant has filed the present appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the 'Act') against the impugned order dated 15.03.2024, passed by the Court of Additional Sessions Judge, Fazilka in case FIR No.25 dated 06.03.2024 under Section 3(1)(r) & 3(1)(s) of SC & ST Act, registered at Police Station Khuian Sarwar, District Fazilka, whereby the anticipatory bail petition filed by the present appellant was ordered to be dismissed.

2. Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case at the instance of Amanpreet Singh, with whom the appellant is having a litigation before the Civil/Criminal and Revenue Courts. Learned counsel further contends that in the present case, the alleged occurrence had taken place on 21.02.2023 and the FIR has been got registered by the complainant on 06.03.2024 after a inordinate delay of 351 days, which remained unexplained even in the FIR.

Learned counsel further contends that even the occurrence had taken place in the public view and the ingredients of the offence under Section 3 of the “Act” are not made out in the facts and circumstances of the present case. Learned counsel further contends that from the averments made in the FIR itself, it is evident that custodial interrogation of the appellant may not be required, at this stage.

3. Notice of motion.

4. On the asking of the Court, Mr. M.S. Bajwa, DAG, Punjab., who is present in the Court, accepts notice on behalf of the respondent-State and Mr. Kamal Narula, Advocate accepts notice on behalf of respondent/complainant by filing his Vakalatnama, which is taken on record.

5. Learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the appellant on the ground that the appellant is facing two more FIRs and there are specific allegations against the present appellant.

6. I have heard learned counsel for the parties and perused the record.

7. In reply to learned State counsel, learned counsel for the appellant has already submitted that even though 02 more FIRs were ordered to be registered against the appellant, however, the appellant is on bail in the said two cases. Even otherwise, the pendency of other criminal cases is no ground to reject the bail application of the appellant, especially when he has been able to make out a case for grant for bail in the present case. Even otherwise, the ingredients of the offence under Section 3 of the “Act” would be debatable in the facts and circumstances of the present case. In the considered opinion of this Court, custodial interrogation of the appellant is not required in the peculiar

facts and circumstances of the present case.

8. Consequently, the present petition is allowed and the appellant is directed to surrender before the Investigating Officer and his appearance, he shall be released on interim bail to the satisfaction of the arresting/investigating officer subject to the conditions envisaged under section 438 (2) Cr. P.C.

22.03.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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