

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

243

CRA-S-1324-2024
Date of decision: 13.05.2024

JAGDEEP SINGH

....Appellant

Versus

STATE OF PUNJAB AND ANR

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Shivender Pal, Advocate for
Mr. B.S. Bhalla, Advocate
for the appellant.

Mr. Akshay Kumar, AAG, Punjab.

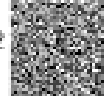
KULDEEP TIWARI. J.(Oral)

1. On the last date of hearing, i.e. 15.04.2024, the following order was passed:-

“1. Through the instant appeal, challenge is thrown to the order dated 22.03.2024, whereby, the application preferred by the present appellant, under Section 438 Cr.P.C., for grant of pre-arrest bail has been declined by the learned Additional Sessions Judge, Fazilka.

2. The appellant was arrayed as an accused, in FIR No.24, dated 15.03.2024, under Section 506 of the IPC, and under Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015), registered at the behest of respondent no.2, at Police Station Vairoke, with the following allegations:-

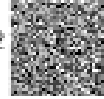
“To Hon'ble SSP Sahib Fazilka. Sub: Application was given against rich persons for using bad words but my husband was pressurize and allured and a compromise was got written in our absence and now



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there is threat to me and my children from the accused and legal action be taken against (1) Jagdip Singh son of Gurdev Singh r/o Jaimal Wala (Chak Khera Wala) P.S. Variko Tehsil Jalalabad District Fazilka. Sir, it is submitted that I Karamjit Kaur wife of Baljinder Singh am resident of Jaimal Wala (Chak Khera Wala) P.S. Variko Tehsil Jalalabad District Fazilka and do a labour job. The aforesaid accused is quite influential and we are quite poor and the accused is keeping a grudge against me and my family since long and his intention is to cause loss to my family. 2. That on 19.6.2023 I was not well and my father Gurdas Singh son of Pola Singh r/o Village Gabewala Distt. Mukatsar Sahib came to enquire about my health and at that time accused Jagdip Singh came to our house at about 9:00 on his motor cycle and started abusing me and my family and used bad words about our caste and called us 'kuta chura' and raised his voice and threatened us that we will kill your son or get him killed from someone and went away but my father came under great stress on the words used by the accused and from his threats and became unwell. In this regard my husband gave an application against the accused. 3. That now we have come to know that the accused by alluring, putting pressure and under threat got the matter compromised with my husband which is not acceptable to us. It is pertinent to mention it here that my son is studying in +2 class in Government School Budh and the accused can cause loss to my son while coming or going to school. Secondly I generally remain unwell and am being harassed. We are fed up of this accused and if something happens to me or my family then the said accused shall be responsible. 4. That we are not ready to accept the aforesaid compromise. My husband is already under great stress. Therefore it is requested that legal action be taken against the aforesaid accused and me and my family may kindly be protected and justice be given to us. Thanking you. Sd/-Karamjit Kaur.”

3. Learned counsel for the appellant, in asking for the relief (supra), submits that in fact earlier the father of the appellant, committed suicide, qua which FIR bearing No.105 of 2022, under Section 306 IPC, was registered at Police Station Vairoke. He further submits that the husband of the present complainant, is



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witness in that case, and the instant story has been cooked up to prejudice the ongoing trial in that FIR.

4. At this stage, Mr. A.P.S.Rehan, Advocate, has caused appearance on behalf of respondent no.2, through a validly executed power of attorney in his favour. The same is taken on record.

5. He submits that in fact the husband of the complainant being the victim, was not only threatened by the present appellant, but also caste related words were used, therefore, the offence punishable under Sections 3(1)(r) and 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015), are clearly made out.

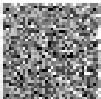
6. This Court has heard learned counsel for the parties concerned, and examined the contents of the FIR, and prima facie of the view that as per the allegations, the present appellant entered the house of the complainant/respondent no.2, and then used caste related words against him. Therefore, the issue, whether any such words were used in full public view is a debatable issue.

7. Hence, the appellant is directed to join the investigation and on his doing so, the appellant be released on interim bail subject to her 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.

8. Adjourned to 13.05.2024.”

2. Today, the learned State counsel on instructions imparted to him by ASI Jaswinder Singh, 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 interrogation.

3. In view of the specific stand taken by the learned State counsel, the



present appeal is **allowed** and, order dated 22.03.2024, passed by the learned trial Court concerned, is **set aside**, and the order dated 15.04.2024 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.

13.05.2024
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(KULDEEP TIWARI)
JUDGE

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