



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

293

CRA-S-1445-2024 (O&M)

Date of Decision:20.05.2024

SUKHA SINGH

.....Petitioner

Vs.

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vijay Lath, Advocate with
Mr. Ajay S. Dhiman, Advocate
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

DEEPAK GUPTA, J.(ORAL)

Status report by way of affidavit of Shri Daljit Singh Khakh,
PPS, Deputy Superintendent of Police, Sub Division Banga, District
Shaheed Bhagat Singh Nagar has been filed on behalf of the respondent
No.1-State and the same is taken on record.

On 10.04.2024, following order was passed:

“By way of this appeal filed under Section 14-A of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, petitioner has assailed the order dated 28.03.2024 passed by learned Additional Sessions Judge, Shaheed Bhagat Singh Nagar, whereby bail application under Section 438 Cr.P.C. of the petitioner has been declined in a case arising out of FIR No.07 dated 12.03.2024 under Sections 323, 341 of the IPC and Section 3(1)(r) of Schedules Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station City, Banga.

Learned counsel has drawn attention towards the contents of the FIR in which petitioner is alleged to have used abusive language and caste related words to complainant Nirmal Singh and his son Sarabjit Ram. Learned counsel contends that in the entire FIR, there is no mention that the complainant or his son belong to schedule caste nor there is any mention about the words used by the petitioner and as such, even if the entire contents are taken at its face value, the provisions of SC/ST Act are

not attracted.

Notice of motion.

Mr. Sahil R. Bakshi, AAG, Punjab accepts notice on behalf of respondent- State whereas Mr. Amanpreet Singh Pannu, Advocate accepts notice on behalf of respondent No.2 and filed his power of attorney.

Learned State counsel submits that during investigation the schedule caste certificate of the complainant was taken into possession. However, it is conceded by learned State counsel that in the FIR, there is no mention about the caste of the complainant or as to what words were exactly used by petitioner.

In the aforesaid circumstances, it will be a moot point as to whether provisions of SC/ST Act were applicable to the case or not.

Adjourned to 20.05.2024 for filing status report.

In the meantime, in case of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. However, it is directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.”

Today learned State counsel, submits that petitioner has since joined the investigation and is not required for custodial interrogation.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case order dated 10.04.2024 is hereby made absolute, whereby petitioner was granted interim anticipatory bail.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

Disposed of.

(DEEPAK GUPTA)
JUDGE

20.05.2024

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Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No