



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

207

CRA-S-1321-2023

Date of decision: 28.10.2024

Avtar Singh and another

.....Appellants

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Navinderjit Singh Dandiwal, Advocate
for the appellants.

Mr. Navdeep Singh, DAG, Punjab.

Mr. Gurbinder Sidhu, Advocate for
Mr. A.S. Brar, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The appellants are challenging order dated 11.04.2023 passed by learned Additional Sessions Judge, Moga vide which their application under Section 438 of the Cr.P.C. for grant of anticipatory bail in case FIR No.28 dated 29.03.2023 under Section 323 of the IPC and Section 3(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Nihal Singh Wala, Distrit Moga, was dismissed.

2. The appeal was dismissed qua appellant No.2 vide order dated 21.05.2024.

3. On 21.05.2024, while noticing the following submissions made by the learned counsel for the appellants, this Court had granted the concession of interim bail to appellant No.1-Avtar Singh and asked



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him to join investigation:-

“Learned counsel for the appellants has drawn the attention of this Court to the allegations levelled in the FIR in question. He has asserted that a perusal of the same reveals that as far as appellant No.1-Avtar Singh is concerned, though his presence has been shown at the time of alleged occurrence, however, there is no specific attribution of him indulging in the alleged casteist utterances. It has been submitted that even otherwise, the injuries attributed to the appellants are simple in nature. Learned counsel has also submitted that it was on account of the appellants' strained relations with sister of appellant No.1, who was also a co-villager of the complainant, that a false and fabricated complaint had been planted upon them.”

3. Learned counsel for the appellants submits that in compliance of order dated 21.05.2024, appellant No.1-Avtar Singh has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of appellant No.1-Avtar Singh having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that appellant No.1 is not required for further investigation much less for his custodial interrogation.

5. In view of the above, interim order dated 21.05.2024, is made absolute qua appellant No.1-Avtar Singh subject to the conditions laid down in Section 482(2) of the BNSS/438(2) of the Cr.P.C.

6. The appeal stands disposed of accordingly.

28.10.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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