



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

237

CRA S-1805-2024
Date of Decision: 30.07.2024

Resham Singh ...Appellant
Versus
State of Punjab and another ... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Vishal Deep Goyal, Advocate, for the appellant.
Mr. M.S. Bajwa, DAG, Punjab.
Mr. Atul Goyal, Advocate, for respondent No. 2.

N.S.SHEKHAWAT, J. (Oral)

1. The appellant has filed the present appeal under Section 14-A of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 (hereinafter to be referred as '**the SC/ST Act**') before this Court for setting aside the impugned order dated 29.04.2024 passed by the Special Judge, Ludhiana, whereby the anticipatory bail petition filed by the present appellant was ordered to be dismissed in a case arising out of FIR No. 60 dated 19.04.2024 under Sections 3 of the SC/ST Act and Sections 323, 341, 353, 186 and 506 IPC, Police Station Salem Tabri, District Police Commissionerate, Ludhiana.
2. Learned counsel for the appellant submits that the FIR has been got registered by the complainant under the influence of Madan Lal Bagga, local MLA, and the FIR is an instrument of misuse

of the process of the law. In fact, no such occurrence had taken place and the FIR has been registered by the police under the political pressure. He further contends that the appellant had made several complaints against Madan Lal Bagga, local MLA and has been falsely involved at his instance. Learned counsel further contends that the appellant did not know the complainant personally and was not aware of his caste. Even, the appellant had not met the complainant earlier. Thus, there was no question of abusing the complainant in the name of his caste. Learned counsel has also placed reliance on the judgment passed by this Court in the matter of ***Hamidi Vs. State of Haryana 2022(1) RCR(Crl.) 240*** and ***Rajinder Kaur Vs. State of Punjab 2024(1) RCR (Crl.) 142*** .

3. On the other hand, learned State counsel assisted by the learned counsel for the respondent/complainant have vehemently opposed the submissions made by learned counsel for the appellant. However, learned State counsel submits that in compliance of the interim order dated 06.05.2024 passed by this court, the appellant has already joined the investigation. Even, the appellant has furnished the bail bonds before the police and his custody was no longer required by the Investigating Officer.

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

5. In the present case, the appellant was granted the concession of interim anticipatory bail by this Court on 06.05.2024

and he was ordered to be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. Thereafter, the appellant had appeared before the Investigating Officer and was admitted to interim bail. There is no allegation that the appellant had been misusing the concession of interim bail. Moreover, in the present case, the ingredients of the offence under Section 3 of the SC/ST Act are debateable.

6. Without commenting any further on the merits of the case, the present petition is allowed. The appellant is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

30.07.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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