

222 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH
CRA-S-1018-2022 (O&M)
Date of Decision: 08.01.2024

JASBIR SINGH @ KALA SINGH @ JASVEER SINGH
...Appellant
V/S

STATE OF HARYANA AND ANOTHER
...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Swapnil Bansal, Advocate and
Mr. Keshav Pratap Singh, Advocate
for the Appellant.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Through instant appeal, the appellant is seeking anticipatory bail in case FIR No. 15 dated 20.01.2022 registered under Section 506 of IPC, 25 of Arms Act 1959 and Section 3 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989 at Police Station Odhan, District Sirsa.

2. On 01.06.2022, following order was passed:

“The appellant has filed the present appeal against the order dated 26.05.2022, whereby the Court of Additional Sessions Judge, Sirsa, has declined the anticipatory bail filed by the appellant under Section 438 of Cr.P.C. in case having FIR No.15 dated 20.01.2022, registered under Sections 506 IPC, Section 25 of Arms Act and Section 3 of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, Police Station Odhan, District Sirsa.

The counsel for the appellant contends that the appellant has been falsely implicated in the present case and that no such incident took place within the public view. That no fire arm was used by the appellant

and the petitioner never used any abusive language against the complainant, with whom the civil litigation is already pending. The counsel further contends that the appellant is ready to joined the investigation with the police.

Notice of motion to the respondents.

On asking of the Court, Mr. Naveen K. Sheoran, DAG, Haryana, accepts notice on behalf of State and prays for time to seek necessary instructions.

The FIR in this case was registered on the allegations that at the time of occurrence the appellant threatened and abused the complainant/respondent No.2 in the name of his caste and at that time, the appellant was armed with kapa. In the present case, the maximum sentence imposable for offences mentioned in the FIR does not exceeds 7 years. So, the present case is covered by the judgment in Arnesh Kumar Vs. State of Bihar and another, 2014 (8) SCC 273, wherein direction was given by the Hon'ble Supreme Court to all the State government to instruct its police officers not to arrest the accused automatically when the offence is punishable with imprisonment with a term which may be less than 7 years or which may extend to 7 years, whether with or without fine.

So this Court, deems it appropriate to grant interim relief to the appellant and accordingly, the appellant is hereby directed to appear before the Investigating Officer within 7 days of the service of notice to him under Section 41A Cr.P.C. and he should cooperate with the police during the investigation and in the meantime no coercive action be taken against the appellant till the next date of hearing.

List on 08.07.2022.

The report of the Investigating Officer be also called specifically as to whether the appellant is

cooperating with the police or not. ”

3. Learned State counsel on instructions from SI Jager Singh, submits that in compliance of order dated 01.06.2022 passed by this Court, the appellant has joined the investigation and is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel the order dated 01.06.2022, is made absolute. The appellant shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The appeal is accordingly allowed.

08.01.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No