



CRA-S-2461-2024 (O&M)

102-1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-2461-2024 (O&M)

DATE OF DECISION: 28.10.2024

HAPPY SINGH

.....PETITIONER

Vs.

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. J.K. Singla, Advocate, for the appellant.
Ms. Himani Arora, A.A.G., Punjab.
Mr. Gaurav, Advocate, for respondent No. 2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present appeal has been filed by the appellant assailing the order dated 05.07.2024, passed by the learned Additional Sessions Judge, [Exercising the power of Special Court under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989, (for short *the 'Act of 1989'*)], whereby the bail application filed under Section 438 of the Code of Criminal Procedure, 1973 (for short *'the Code'*) for grant of anticipatory bail to the appellant in FIR No. 74, dated 15.06.2024, under Sections 376 and 506 of the IPC and Section 3 of the Act of 1989, registered at Police Station City-1, District Mansa, has been dismissed.

2. On 07.08.2024, this Court was pleased to pass the following order:-

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“2.

Today, Mr. Gaurav, Advocate, appeared on



behalf of the complainant and has filed his 'Vakalatnama' in Court today. The same is taken on record.

3. *A status report, dated 06.08.2024, by way of an affidavit of Sh. Gurpreet Singh, PPS, Deputy Superintendent of Police, Sub-Division Mansa, District Mansa, has been filed in Court today by learned State counsel. The same is taken on record.*

4. *As per the aforesaid status report, the marriage certificate of the appellant and the complainant-prosecutrix, dated 19.07.2024 has been verified to be a correct document and the investigating agency has also verified that the petitioner had solemnized marriage with the complainant/victim by way of 'Anand Karaj' at Gurudrawa Dashmesh Pita Patshahi Dasvi, Village Singha Devi, Tehsil Kharar, District Mohali.*

5. *Adjourned to 28.10.2024.*

6. *In the meanwhile, the appellant is directed to join investigation within two weeks and in the event of arrest of the appellant, he shall be released on interim bail, on his furnishing bail bonds and surety bonds to the satisfaction of the arresting officer/Area Magistrate and also subject to the following conditions:-*

(i) That the appellant shall further make himself available for interrogation by a police officer as and when required.

(ii) That the appellant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(iii) That the appellant shall not leave India without

the prior permission of the Trial Court/CJM concerned.”

- 3.Learned counsel for the appellant has submitted that in pursuance of the abovesaid order dated 07.08.2024 the appellant has joined the investigation.
- 4.Learned counsel for the State, on instructions from ASI Jaswinder Singh, has also confirmed the said fact.
- 5.Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 07.08.2024 and also the fact that the appellant has joined the investigation, the present appeal is allowed and the order dated 05.07.2024 passed by learned Additional Sessions Judge, Mansa, is set aside and the interim order dated 07.08.2024 passed by this Court is made absolute.
- 6.It is made clear that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case and the trial Court would proceed independently on the basis of evidence led/gathered before it. The observations made in the present case are only for the purpose of adjudicating the present bail application/appeal.

OCTOBER 28, 2024nitin

(HARPREET KAUR JEEWAN)JUDGE

Whether Speaking	Yes
Whether Reportable	No