

**CRA-S-2819-2024****-1-****209****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRA-S-2819-2024**

Date of Decision:- 11.11.2024

Surinder Singh

....Appellant

Vs.

State of Punjab and Anr.

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Amandeep Singh Rai, Advocate for appellant (through V.C.).

Mr. Kewal Singh, Addl. A.G., Punjab.

Mr. Rishu Garg, Advocate for respondent No.2.

AMARJOT BHATTI, J.

1. Appellant Surinder Singh has filed present appeal against impugned order dated 02.08.2024 passed by learned Additional Sessions Judge, Barnala vide which his anticipatory bail application in FIR No.329 dated 05.07.2024, under Section 447, 427, 506 of IPC and Section 3(1) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was dismissed. The aforesaid order is liable to be set aside and the present appellant may be released on anticipatory bail.

2. As per facts of the case, Manjit Kaur wife of Surjit Singh gave her statement that in the year 1996, she had purchased 07 Biswas in Sahibzada Ajit Singh Nagar, Zero Point, Barnala and constructed her house. At the back side of their house, there was government passage of 03 karams and water channel. She had raised construction leaving space of 01 feet and opened windows, ventilators and outlet for roof water towards that

**CRA-S-2819-2024****-2-**

side. They had installed CCTV cameras on the back side of their house. Gurudwara Bangla Sahib is situated with difference of three other houses. Gurudwara Committee illegally encroached upon the back side land which was government passage and water channel and illegally and forcibly constructed shed over there. Civil suit was filed in which stay order dated 15.07.2023 was passed and case is still pending. On 05.11.2023, President of Gurudwara Committee namely Harjit Singh, Tarsem Singh, Rupinder Singh, Surinder Singh alias Bhau, Gurmeet Singh, Gurdit Singh and Gurmail Singh along with others broke down CCTV cameras and started brick bating towards their windows. They were abusing and Surinder Singh passed derogatory remarks against her caste and also extended threats. Police party had reached on the spot. With these allegations, present FIR was registered.

3. Learned counsel for appellant raised the issue that all allegations levelled against the appellant and others are false. There is delay of more than 08 months in lodging the FIR. Alleged occurrence took place on 05.11.2023 and FIR was registered 05.07.2024. Complainant Manjit Kaur had filed a civil suit for permanent injunction in which no ad-interim injunction was granted in her favour. Said suit was dismissed as withdrawn on 12.07.2023. Copy of order is Annexure A-2. Thereafter, she filed another civil suit on 14.07.2023 against Dilbagh Singh and others seeking permanent injunction and written statement is also filed which are Annexure A-3 and A-4 respectively. Application filed under Order 39 Rules 1 and 2 of C.P.C. was dismissed vide order dated 22.09.2023, which is Annexure A-5. In fact land belonged to one Dilbagh Singh who donated

**CRA-S-2819-2024****-3-**

the same to Gurudwara Bangla Sahib. A false FIR has been registered by levelling false allegations after a long delay. Appellant has not committed any offence. There are no specific allegations or derogatory words used by him naming her caste to defame her. Provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are included to make the offence more serious. There is nothing on record to show that the disputed remarks were made in public view. Therefore, *prima facie* no offence is made out under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Appellant is ready to join the investigation and will abide by the terms of bail order. Without considering the aforesaid factual position, anticipatory bail application filed by appellant was wrongly declined vide impugned order dated 02.08.2024. It is submitted that the aforesaid impugned order may kindly be set aside and he may be granted relief of anticipatory bail.

4. Appeal is opposed by learned counsel representing State assisted by learned counsel for respondent No.2. It is argued that during the occurrence on 05.11.2023, appellant passed derogatory remarks against the caste of complainant and threatened her. There is CCTV footage regarding the said occurrence. Appellant along with others is specifically named in FIR. Specific role is attributed to him. Therefore, his anticipatory bail application was rightly dismissed.

5. I have considered the arguments and have gone through the record carefully. In the case in hand, FIR has been registered under Section 447, 427, 506 of IPC and Section 3(1) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is a matter of

CRA-S-2819-2024

-4-

record that occurrence took place on 05.11.2023 and FIR has been registered on 05.07.2024. I have gone through the contents of FIR (*supra*) (Annexure A-1). Facts of the case indicate that civil litigation had started even prior to the occurrence. Their dispute regarding back side alleged passage or water channel is to be decided by court of competent jurisdiction. So far as other allegations detailed in the FIR are concerned, no specific remarks are detailed by the complainant, uttered by appellant by naming her caste in public view. No recovery is to be effected. Present appellant is ready to join the investigation.

6. Considering the contents of FIR, in my opinion impugned order dated 02.08.2024 is not justified and the same is accordingly set aside by accepting the present appeal. Consequently, anticipatory bail application filed by appellant-Surinder Singh is allowed. He be not arrested. In case of his arrest, he be released on bail to the satisfaction of Arresting/Investigating Officer concerned, subject to condition that he will join investigation as and when required. He will not tamper with or interfere with investigation and will not leave country without prior permission as provided under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(AMARJOT BHATTI)
JUDGE

11.11.2024

sunil devi

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