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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-2050-2022 (O&M)
Date of Decision : 23.08.2024

Swaran Singh and another

.....Appellants

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Vishal Munjal, Advocate
for the appellants

Mr. Ravinder Singh, AAG Punjab

KIRTI SINGH, J.(Oral)

1. Prayer in the present appeal is for setting aside order dated 03.10.2022 passed by learned Additional Sessions Judge, Gurdaspur whereby anticipatory bail application of the appellants in case FIR No.171 dated 22.09.2022, under Section 3 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been dismissed.

2. An affidavit of Sh. Sukhwinder Pal Singh, PPS, Superintendent of Police, Dinanagar, District Gurdaspur on behalf of respondent No. 1-State has been filed in the Court today. The same is taken on record. A copy thereof has been supplied to learned counsel for the appellants.

2. Learned State counsel on instructions submits that in compliance of order dated 18.10.2022, the appellants have joined the investigation and are not required for any further investigation.

3. Having considered the aforesaid facts and circumstances, the present appeal is allowed and order order dated 03.10.2022 passed by learned Additional

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Sessions Judge, Gurdaspur is set aside. Order dated 18.06.2024 passed by this Court, is hereby made absolute.

4. This order should not be treated as "blanket" order. It will not be read granting the appellants indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the appellants.

6. The appellants shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act in regard to a discovery of facts made in pursuance of information supplied by the appellants in case the occasion arises.

7. It will be open to the police or the investigating agency to move to this Court for a direction under Section 439(2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

(KIRTI SINGH)
JUDGE

23.08.2024
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Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No

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