

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

211

2024.FHHC.148970



CRA-S-3010 of 2024 (O&M)

DECIDED ON: 14th November, 2024

Tarsem Lal Kapoor

.....Appellant

VERSUS

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present: Mr. Sajan, Advocate for
Mr. S.K. Passi, Advocate for appellant.

Mr. Ankit Grewal, DAG Punjab.

Mr. Arjun Veer Sharma, Advocate for complainant.

SANJIV BERRY, J (ORAL)

1. By way of instant appeal, appellant has assailed the impugned order dated 02.09.2024, passed by learned Additional Sessions Judge-I, Ferozepur, in case FIR No. 163 dated 14.08.2024 under Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 (Amendment 2015) (for short, 'the SCs and STs Act, 1989') registered at Police Station Guruharsahai, Ferozepur, vide which the anticipatory bail of the appellant filed under Section 482 of the BNSS had been dismissed.

2. Heard.

3. Learned counsel for the appellant submits that in compliance to the order dated 16.10.2024, the appellant has joined the investigation.

4. During the course of hearing on 16.10.2024, following order has been passed: -

'Status report dated 15.10.2024 filed in the form of an affidavit of Deputy Superintendent of Police (SD), Guruharsahai is taken on record. Copy thereof has been supplied to learned counsel for the appellant.

Heard.

It is inter alia contended by learned counsel for the appellant that the appellant is innocent and has been falsely implicated in this case. He submits that there is an unexplained delay of 2 days in registration of the FIR, which has been registered on account of political rivalry in the area. He contends that no specific overt act is attributed to the appellant and he is not having any criminal antecedents. He submits that the appellant is ready to join the investigation, thus prays for grant of anticipatory bail.

Per contra, learned State counsel assisted by learned counsel for the complainant has opposed the grant of bail to the appellant. They have contended that the appellant had uploaded a post on social media which attracts stringent provisions.

Keeping in view the above, without commenting on the merits of the case, the appellant is hereby directed to join investigation within seven days from today and co-operate in the same. In the event of the arrest of the appellant, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 482(2) BNSS.

List on 14.11.2024'

5. Learned State counsel on instructions received from ASI Gurdeep Singh, informs the Court that the appellant has joined the investigation and is

neither required for further investigation nor for any custodial interrogation.

6. Mr. Arjun Veer Sharma, Advocete has put in appearance on behalf of respondent and opposes the prayer.

7 Keeping in view the above submissions made by learned State counsel and the fact that the appellant had joined the investigation consequent to the order dated 16.10.2024 passed by this Court, interim bail granted vide order dated 16.10.2024 is hereby confirmed, subject to conditions as envisaged under Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS). Further the appellant is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the appellant; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

8. With these observations, impugned order dated 02.09.2024 passed by learned Additional Sessions Judge-I, Ferozepur, is set aside and the instant appeal stands allowed.

14th November, 2024

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Whether speaking/reasoned Yes
Whether reportable No

(SANJIV BERRY)
JUDGE