



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

267

CRA-S-2760-2023 (O&M)  
Date of Decision:- 08.05.2024

SHANTI SINGH

....Appellant(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJIV BERRY**

Present : Mr. Ripudaman Brar, Advocate for  
Mr. Ajay Pal Singh Gill, Advocate for the appellant.

Mr. Adesh Pal Singh, AAG Punjab.

\*\*\*\*\*

**SANJIV BERRY, J. (ORAL)**

1. By way of instant appeal, the appellant has assailed the impugned order dated 12.09.2023, passed by learned Additional Sessions Judge, Mansa, in case FIR No.92 dated 21.08.2023 under Sections 420, 465, 467, 468 and 471 of the Indian Penal Code, 1860 and Section 3(1)(I) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) at Police Station Bareta, District Mansa, vide which the anticipatory bail of the appellant filed under Section 438 CrPC had been dismissed.
2. Heard.
3. Learned counsel for the appellant contends that appellant is innocent and has been falsely implicated in this case. He contends that vide



order dated 21.11.2023, the appellant had been directed to join investigation and granted interim bail. He submits that in pursuance to the aforesaid order, the appellant has joined the investigation.

4. Learned State counsel, on instructions from HC Raguvir Singh, Police Station Bareta, District Mansa intimates the Court that the appellant has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

5. During the course of hearing on 21.11.2023, following order was passed: -

*“2. It is, inter alia, contended by learned counsel for the appellant that the appellant belongs to ‘Kori’ caste being one of the castes specifically mentioned under the Scheduled Castes and in this regard, the Tehsildar, Bareta had already issued certificate dated 28.07.2009 in favour of the father of the appellant and it was on the basis thereof that the appellant was granted the caste certificate belonging to ‘Kori’ caste through Online Portal on 13.10.2018 which was digitally signed by Naib Tehsildar, Bareta. He further refers to the FIR (Annexure P-1) to say that the original record of these documents is stated to have been lost and a DDR to this effect is also recorded at the police station. He submits that there is no other case registered against the appellant and his wife being in advance stage of pregnancy, the appellant may be allowed to join the investigation.*

*3. Learned State counsel assisted by learned counsel for the complainant have opposed this request. By referring to the reply dated 18.10.2023 filed by the State, learned counsel for the complainant also seeks time to assist the learned State counsel by supplying certain documents for which some time is requested by him.*

*4. List the case on 18.12.2023.*

*5. In the meanwhile, the appellant is directed to join the investigation within seven days from today and in the event of the arrest of the appellant, he is ordered to 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 438(2) Cr.P.C.”*

6. After considering the rival contentions and perusing the record, it transpires that the appellant has been implicated in the instant FIR for having committed offence punishable under Sections 420, 465, 467, 468 and 471 of the Indian Penal Code, 1860 and Section 3(1)(I) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015). At the same time, it is not disputed that the appellant, after having been directed by this Court vide order dated 21.11.2023, has joined the investigation. As per learned State counsel, he is not required for further investigation nor he is required for custodial interrogation of the case. This be the case, the interim bail granted to the appellant vide order dated 21.11.2023 is hereby confirmed subject to the conditions as envisaged under Section 438(2) Cr.PC. The appellant is directed to join investigation as and when required in future also by way of a written notice for such purpose to be served by Investigating Officer of this case; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. With these observations, the impugned order dated 12.09.2023, passed by learned Additional Sessions Judge, Mansa, is set aside and the instant appeal stands allowed.

**(SANJIV BERRY)**  
**JUDGE**

**08.05.2024**

*S.Sharma(syr)*

- |     |                            |        |
|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |