

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

241

CRA-S-2341-2022 (O&M)
Date of decision:-10.04.2024

VALKAR SINGH @ VALKARI

...Appellant

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Fatehjeet Singh, 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 21.10.2022, passed by learned Additional Sessions Judge, Jalandhar, in case FIR No.54 dated 28.04.2022 under Section 3(1) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act 1989 registered at Police Station Sadar Skodar, District Jalandhar, vide which the anticipatory bail of the appellant filed under Section 438 Cr.PC 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 22.11.2022, 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 on 01.02.2023.

4. Learned State counsel, on instructions from ASI Lakhvir Singh 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 22.11.2022, following order was passed: -

“Through the instant appeal, the appellant seeks anticipatory bail in case bearing FIR No.54 dated 28.04.2022, registered under Sections 3(1) of SC & ST (Prevention of Atrocities) Act, 1989, at Police Station Sadar Sakodar, District Jalandhar.

Learned counsel for the appellant submits that the appellant has falsely been implicated in the present case and that in the application, the complainant has not mentioned that the appellant knew about the caste of the complainant, who is a Senior Police Officer in Punjab Police and that the alleged derogatory words were not stated to be uttered in public view.

Notice of motion for 28.03.2023.

Meanwhile, the appellant is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

However, anticipatory bail, granted while exercising the judicial discretion, should not operate as an inroad into the statutory investigational power of the police.”

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 Section 3(1) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act 1989. At the same time, it is not disputed that the appellant, after having been directed vide order dated 22.11.2022, 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 22.11.2022 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.

8. With these observations, the impugned order dated 21.10.2022, passed by learned Additional Sessions Judge, Jalandhar, is set aside and the instant appeal stands allowed.

(SANJIV BERRY)
JUDGE

10.04.2024
S.Sharma(syr)

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