

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

228

CRA-S-3304 of 2023 (O&M)
DATE OF DECISION :- 12.03.2024

Hashanpreet Singh alias Hashan and others

...Appellants

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Amit Arora, Advocate for the appellants.

Mr. Yuvraj Singh Tiwana, AAG, Punjab.

Mr. Parveen Chauhan, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. On 12.12.2023, the following order was passed:-

“The present appeal has been preferred under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 challenging the order dated 26.10.2023 passed by the Additional Sessions Judge, Tarn Taran whereby the application filed by the appellants for grant of anticipatory bail has been dismissed.

The anticipatory bail application under Section 438 CrPC filed by the appellants herein was dismissed on 26.10.2023 by the Additional Sessions Judge, Tarn Taran. Learned counsel for the appellants would contend that there is a money dispute between the parties and that a totally false case has been planted upon the appellants. Learned counsel for the appellants would further contend the falsity of the present case can be ascertained from the fact that in the FIR it has been stated that the date of the incident is 07.05.2023 at 10.30 pm, however, MLR was conducted on 08.08.2023 at 1500 hours and in the medical history it has been noted that the victim had come with an

alleged history of assault on 05.08.2023. Learned counsel for the appellants has further contended that a bare perusal of the MLR reveals that the wounds were sutured and there was brownish scab present on the wounds and hence they were not fresh wounds. It is further the contention that even the allegations under the SC&ST Act are not made out.

Short reply by way of affidavit of Sh. Preetinder Singh, PPS, Deputy Superintendent of Police, Sub Division Bhikhiwind, Camp at Bhikhiwind, District Tarn Taran filed by learned State counsel is taken on record. Registry to scan the same and tag at the appropriate place. Mr. Sarvesh Kumar Gupta, Advocate assisting counsel of Mr. Parveen Chauhan, Advocate has put in appearance on behalf of respondent No.2-complainant.

List on 12.03.2024.

Meanwhile, the appellants are directed to join investigation as and when called for. In the event of arrest, the appellants shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer/SHO concerned. The appellants shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

2. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail by arguing that the allegations made against the appellants are serious in nature and hence anticipatory bail ought not to be granted to the appellants.

3. Learned State counsel, on instructions from ASI Sukhwinder Singh, has stated that pursuant to the order dated 12.12.2023, the appellants have joined investigation and are no longer required for custodial interrogation.

4. In view of above, the present appeal stands allowed and the interim order dated 12.12.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. This order should not be treated as “blanket” order. It will not be read granting 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.

6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the appellants violate any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
8. Pending application(s), if any, shall also stand disposed off.

12.03.2024

P.Singh

(SUMEET GOEL)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No