



CRA-S-3375-2023

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

CRA-S-3375-2023
Decided on : 02.08.2024

Nawab Hussain @ Nawab Pehalwan & another Appellants

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate with
Mr. Ankit Kundu, Advocate for the appellants.

Mr. Shiva Khurmi, AAG, Punjab.

Mr. Prince Goyal, Advocate
for the complainant.

Manjari Nehru Kaul, J.

The appellants are impugning the order dated 01.11.2023 passed by learned Additional Sessions Judge, Hoshiarpur, whereby their application under Section 438 Cr.P.C. for grant of anticipatory bail in DDR No.40 dated 15.05.2023, under Sections 307, 324, 323, 148, 149 IPC, Sections 25 & 27 of Arms Act in case FIR No.133 dated 12.05.2023, under Sections 302, 120-B IPC, 25 and 27 of Arms Act and Sections 3 and 4 of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "SC/ST Act"), registered at Police Station Model Town, Hoshiarpur, was dismissed.

2. On 02.05.2024, while noticing the following submissions made by the learned counsel for the appellants, this Court had granted



the concession of interim bail to the appellants and asked him to join investigation:

“Learned Senior counsel contends that as per the allegation levelled in the DDR, Annexure A-2, appellants are alleged to be members of unlawful assembly and no specific role has been ascribed to either of them. Still further, he submits that during investigation, statement of Jaspreet Singh @ Channainjured has been recorded, who has not attributed any injury to the appellants. He has also invited the attention of the Court to affidavit, Annexure A-3, executed by Kulwant Singh, who lodged the DDR, Annexure A-2, to submit that he has deposed that both the appellants were not present at the spot and have been named on the basis of suspicion. He submits that appellant No.2 has clean antecedents, whereas appellant No.1 is named as an accused in three more criminal cases, but he is on bail in all of them. A specific argument has been raised by learned senior counsel that there is no allegation against the appellants attracting the offence under the SC&ST Act.

Learned State counsel, on instructions from ASI Ashok Kumar, has not disputed the submissions made by learned senior counsel for the appellants that both the parties had assembled at the place of occurrence for exploring the possibility of some settlement on account of prior dispute between them and it was during the course of the Panchayat, the occurrence in question took place. On further instructions, he has also not disputed that other than



the presence of the appellants being shown along with the co-accused on the fateful day at the relevant time, no specific role or injury had been attributed to them.”

3. Learned counsel for the appellants has submitted that in compliance of order dated 02.05.2024, the appellants have joined the investigation and cooperated with the investigating agency.
4. Learned State counsel, on instructions from ASI Hans Raj, has not disputed the submission made by the counsel opposite. He on further instructions submits that the appellants are not required for custodial interrogation.
5. In view of the above, present appeal is allowed and interim order dated 02.05.2024 is made absolute subject to the conditions as envisaged in Section 438(2) Cr.PC.

02.08.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No