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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

240CRA-S-3511-2023

Date of decision:22.02.2024

Bohar Singh....Appellant

V/s

State of Punjab and another....Respondents

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Gurinder Singh Hayer, Advocate for the appellant.

Mr. Anup Singh AAG Punjab.

Mr. Sukhdev Singh, Advocate for respondent No.2.

SUMEET GOEL, J. (Oral)

1. Present appeal has been filed under Section 14-A of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 for grant of regular bail to the appellant in case bearing FIR No.183 dated 22.09.2022, registered for the offences punishable under Sections 354-A & 201 of IPC (added later on) and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Sadar Muktsar, District Sri Muktsar Sahib.

2. The case set up in the FIR in question is as follows:-

"Statement of Ukkar Singh Ex. Member Panchayat son of Taj Singh resident of Balamgarh, Age about 66 Years, Mob. No. 98141-71538. I hereby state that I am resident of above mentioned address and am Ex. Panchayat Member and I do physical work. I have two sons and one daughter and my all three children are married. Out of them, elder son Harjinder Singh is married with Amajdeep Kaur daughter of Darshan Singh resident of Wander Dod, younger than him is my daughter Simarpal Kaur who is married with Rajinder Singh resident of SAS Nagar, Shri Muktsar Sahib and youngest is son Amrik Singh who is married with Veena Rani daughter of Jagsir Singh resident of Moga. My both sons reside separately and I along with my wife Jasvir Kaur residing separately

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from them. Husband of Sarpanch of my village Gurmeet Kaur namely Bohar Singh son of Jaspal Singh resident of Balamgarh is currently residing near Naka No. 6, Near Darbar Sahib Shri Muktsar Sahib. Few days ago above mentioned Bohar Singh was talking with some unknown woman on his mobile phone and was saying to her that get him in relationship with daughter-in-law of Ukkar Singh Ex. Panchayat Member and was speaking vulgar language with that unknown woman against the modesty of my daughter-in-law. They have made viral this audio clip in different mobile groups and in circulation above mentioned audio clip also came on my son Amrik Singh's Mob. No. 98883-10414. My son Amrik Singh made me hear this audio clip in his mobile phone and this audio clip is also circulating in many groups and mobile phones of our village. Bohar Singh son of Jaspal Singh resident of Balamgarh has spoken abusive language against my family in this audio clip and has outraged the modesty of my daughter-in-law. Therefore, strict legal action be taken against Bohar Singh and said unknown woman, CD of viral audio clip is already attached with complaint. Statement recorded to you. heard, is correct. Sd/- Ukkar Singh. Attested, Sd/- Jagsir Singh SI SHO PS Sadar Shri Muktsar Sahib Date 22.09.2022."

3. Learned counsel for the appellant has argued that the appellant is in custody since 23.04.2023 and investigation in the case has already been completed. Learned counsel has further argued that the appellant has been falsely implicated in the case in hand on account of political rivalry between the family of appellant and the family of the complainant. It has been further argued at length that, in the facts and circumstances of the case, the offence under Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is not made out. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the appellant does not deserve the concession of the regular bail. Learned State counsel seeks

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to place on record custody certificate dated 21.02.2024 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The appellant was arrested on 23.04.2023 whereinafter investigation was carried out and challan was presented on 22.06.2023. Total 19 prosecution witnesses have been cited and culmination of the trial will take its own time. The rival contention of learned counsel for the parties, as to whether appellant has been falsely implicated in the FIR in question and as to whether the offence under Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is made out or not; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. As per custody certificate dated 21.02.2024 filed by learned State counsel, the appellant has already suffered incarceration for a period of more than 10 months. Further, no perceptible material has been brought forward to indicate the likelihood of the appellant absconding from the process of justice or interfering with the prosecution evidence. Suffice to say, further detention of the appellant as an undertrial is not warranted.

7. In view of above, the present petition is allowed. Appellant is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the appellant shall remain bound by the following conditions:-

- (i) The appellant shall not mis-use the liberty granted.

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- (ii) The appellant shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The appellant shall not absent himself on any date before the trial.
- (iv) The appellant shall not commit any offence while on bail.
- (v) The appellant shall deposit his passport, if any, with the trial Court.
- (vi) The appellant shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The appellant shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the appellant.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

February 22, 2024
Ajay

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