

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2024-PHHC-160420



CRA-S No. 3929 of 2024 (O&M)

Date of Decision: 02.12.2024

Sanjeev Kumar

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE

Present : Mr. Ravi Singh, Advocate, for the petitioner.
Mr. Shekhar Verma, Addl. Advocate General, Punjab.
Mr. JS Brar, Advocate, for the complainant.

SHEEL NAGU, CHIEF JUSTICE (Oral)

The petitioner apprehends his arrest in respect of offences punishable under Sections 115(2), 126(2), 3(5) of the Bharatiya Nyaya Sanhita-2023 and under Sections 3 and 4 of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 vide FIR No.244 dated 09.11.2024 registered at Police Station Balongi, arising out of an incident which took place in the night of 07.11.2024 when the complainant who was a member of Scheduled Tribes community was travelling in a car and was stopped by the petitioner and his two co-accused. When the complainant came out of the car, he was assaulted by the accused persons and there was a scuffle between them. Naveen Kumar and Sanjeev Kumar accused had made certain caste remarks against the complainant.

2. After having gone through the FIR, it appears that the incident arose due to a grudge nursed by the accused persons for having lost in the panchayat elections against the complainant and therefore, assault and abusive words does not appear to have been uttered simply because the complainants were the members of Scheduled Caste category and thus prima-facie it

does not appear that the offences punishable under Sections 3 and 4 of the SC/ST Act, 1989 are made out against the petitioner-accused.

3. Since the petitioner has no criminal antecedents, this Court extends the benefit of anticipatory bail to the petitioner subject to his furnishing personal bonds for a sum of Rs.50,000/- with two sureties of the like amount each to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. In case the petitioner does not join the investigation, the State is free to move an application for cancellation of his bail.

4. This order shall also remain subject to the following condition:-

i) The petitioner shall plant 10 saplings of indigenous plants at a public place and submit proof in that regard by way of photographs before the concerned Police Station where the FIR has been registered within a period of 15 days and if there is no such intimation submitted or intimation is found to be incorrect, then the State can move an application for cancellation of his bail.

5. The appeal stands allowed.

(SHEEL NAGU)
CHIEF JUSTICE

02.12.2024

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Whether speaking/reasoned	✓Yes/No
Whether reportable	Yes/No✓