

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-3846-2023

Date of Decision: May 01, 2024

PRERIT SURI ALIAS KAKU

.....Petitioner

Versus

STATE OF PUNJAB AND ANR.

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Komalpreet Kaur, Advocate for
Mr. S.S. Deol, Advocate for the petitioner.
Mr. Siddharth Sandhu, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

By way of present appeal, challenge has been laid to the order dated 04.12.2023 passed by learned Addl. Sessions Judge, Jalandhar whereby application moved at the instance of appellant for grant of anticipatory bail in FIR No.140 dated 01.11.2023 under Sections 323, 324, 341, 148 and 149 of IPC as well as Section 25 of Arms Act and Sections 3 & 4 of SC and ST (Prevention of Atrocities) Act, 1989 at P.S. Kartarpur, District Jalandhar was dismissed.

2. As per the office report, notice issued to respondent No.2 received back served, however, no one has appeared on his behalf.

3. On 21.12.2023, the following order was passed:-

“Instant appeal has been against the order dated 04.12.2023 passed by learned Additional Sessions Judge, Jalandhar, whereby application under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.140 dated 01.11.2023, under Sections 323, 324, 341, 148, 149 IPC and Section 25 of Arms Act as also under Sections 3 & 4 of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short – “SC/ST Act”), registered at Police Station Kartarpur, District Jalandhar filed by the appellant, was dismissed.

Counsel urges that the allegation against the appellant is of hitting the complainant on his right arm with a baseball bat. He submits that the injury is a simple one and as there is no allegation of objectionable utterance against the appellant, he cannot be accused for offence under SC/ST Act. He has also placed reliance upon order dated 13.12.2023, Annexure P3 whereby co-accused Jasjit Singh has been granted interim protection.

Notice of motion.

On asking of the Court, Mr.Arun Luthra, DAG, Punjab, accepts notice on behalf of the respondent No.1 – State.

Respondent No.2 be served for 14.03.2024 on deposit of necessary charges.

To be heard with CRA-S-3642-2023.

Appellant is directed to appear before the Investigating Officer on 27.12.2023 at 10:00 A.M. at Police Station Kartarpur, District Jalandhar, and join the investigation and appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

4. Learned State counsel on instructions from Investigating Officer submits that in compliance of order dated 21.12.2023, appellant has joined the investigation and is no more required for further interrogation.
5. Having considered the facts and circumstances of the case, order dated 21.12.2023 passed by this Court is made absolute, however, the appellant shall keep on appearing before the Investigating Agency as and when required and shall abide by the conditions as envisaged under Section 438(2) CrPC.
6. Disposed of accordingly.

01.05.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>