



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

CRA-S No.3915 of 2023

Date of decision: 4th November, 2024

Harmohinder Singh @ Harminder Singh

... Appellant

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ritesh Pandey, Advocate for the appellant.

Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.

None for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The appellant is impugning the order dated 19.12.2023 passed by the Court of learned Additional Sessions Judge, Gurdaspur vide which his application seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.87 dated 03.08.2023 under Sections 3(1)(ii) and 5 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Sadar Batala has been dismissed.

2. On 01.01.2024, while noticing the following submissions made by learned counsel for the appellant, a Coordinate Bench of this Court had granted the concession of interim bail to the appellant and asked him to join investigation.

“The learned counsel representing the appellant inter alia contends that the offence under Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, is not made out because the first informant belongs to the Christian community and she does not fall under the definition of Scheduled Caste.”

3. Learned counsel for the appellant has filed affidavit of the appellant today in the Court, which is taken on record subject to all just exceptions. As per the affidavit, the appellant had only traveled to Delhi and not outside the country, as had been stated by the complainant. He has further submitted that in compliance of the order dated 01.01.2024, the appellant has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the appellant having joined investigation and cooperated with the investigating agency. He, on further instructions submits that the appellant is not required for further investigation much less for his custodial interrogation. It has also been submitted by the learned State counsel, on instructions, that a cancellation report has been prepared subsequently and approved by the authorities concerned, however, it has not yet been presented before the Court concerned.

5. In the circumstances, the appeal is allowed and the interim order dated 01.01.2024 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./Section 482(2) BNSS. Needless to say,

in case the appellant misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

November 4, 2024

rps

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