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

**CRA-S-459-2025 (O&M)
Date of decision : 08.04.2025**

Shamsher Singh Bhullar

...Appellant

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Veneet Sharma, Advocate, for
Mr. Umesh Aggarwal, Advocate for the appellant.

Mr. S.S. Chahal, AAG, Punjab.

Mr. Ajay Kumar, Advocate for
Mr. Rishu Mahajan, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present appeal has been filed under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities), Act, 1989 (for short, 'the SC&ST Act'), for quashing of order dated 03.02.2025, passed by learned Additional Sessions Judge, Amritsar, whereby, application under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C.') for grant of pre-arrest bail to the appellant in FIR No.10 dated 24.01.2025, under Section 3(1) of the SC&ST Act, registered at Police Station Ranjit Avenue, District Amritsar, was dismissed.

2. Allegations are that appellant used derogatory words regarding the caste of *de facto* complainants, namely, Jasbir Kaur and Rakesh Singh.



3. Contends that this Court, granted interim bail to appellant on 20.02.2025 and in terms thereof, he has already joined the investigation and his custodial interrogation is not required.

4. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the appellant is not required at this stage.

5. Learned counsel for respondent No.2 vehemently opposed the prayer while submitting that allegations against the appellant are serious in nature; hence, he does not deserve the concession of pre-arrest bail.

6. Heard learned counsel for the parties and perused the paper-book.

7. It transpires that appellant was granted interim bail by this Court, vide order dated 20.02.2025 and the order reads as under:-

“Learned counsel for the appellant has placed on record photocopy of Bank Statement of the appellant, which is taken on record as Mark ‘X colly.’.

Registry to do the needful.

Posted for 08.04.2025.

Interim order dated 13.02.2025 is modified to the extent that appellant shall join investigation before the Investigating Officer; but he be not arrested till the next date of hearing.”

8. It is acknowledged by learned State counsel that in view of above order, appellant has joined the investigation and his custodial interrogation is not required at this stage.



9. Although learned counsel for respondent No.2 has opposed the prayer; but contention to that effect is liable to be rejected as State is not asking for custodial interrogation of the appellant.
10. In view of the above, present appeal is allowed; impugned dated 03.01.2025, passed by learned Special Court, is set aside and interim order dated 20.02.2025 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
11. It is also made clear that appellant shall fully co-operate with the Investigating Officer as and when called for further investigation.
12. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
13. Disposed off accordingly.

Pending application(s), if any, shall also stand disposed off.

08.04.2025

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No