



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

1) CRA-S-1742-2025 (O&M)
Date of decision: 22.07.2025
Sarbjit Singh and othersAppellants

Versus
State of Punjab and another ...Respondents

2) CRA-S-1924-2025

Balkar SinghAppellant

Versus
State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. J. S. Ghumman, Advocate
for the appellants.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Mohd. Yousaf, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

The present appeal has been filed seeking anticipatory bail in case bearing FIR No.72 dated 28.04.2025 under Sections 3(1)(r) and 3(1)(s) of SC/ST Act, 1989 registered at Police Station Kartarpur, District Jalandhar.

On 29.05.2025, the following order was passed:-

'The present appeal has been filed seeking anticipatory bail in case bearing FIR No.72 dated 28.04.2025 under Sections 3(1)(r) and 3(1)(s) of SC/ST Act, 1989 registered at Police Station Kartarpur, District Jalandhar.

Learned counsel for the appellants inter alia contends that the FIR (supra) was registered after a delay of four months. Further, the civil suit is already pending and the entire incident which took place in the month of December was captured in the CCTV footage and kalandra was also filed by the jurisdictional police authorities. He further submits that the factual ingredients to invoke the provisions of SC/ST Act are not attracted, as such, the appellants are entitled to the interim relief.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab, who is present in Court, accepts notice on behalf of respondent No.1-State.

Learned counsel for respondent No.2 vehemently opposes the grant of anticipatory bail to the appellants on the ground that they are involved in a heinous offence.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim***



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alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352, at the first instance, the appellants are directed to appear before the Investigating Officer within two weeks from today and on their doing so or in the event of arrest, the appellants shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The appellants shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (earlier Section 438(2) Cr.P.C.).

If the Investigating/Arresting Officer does not permit the appellants to join the investigation, the appellants would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the appellants in investigation, in terms of the order of this Court.

Adjourned to 22.07.2025.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.'

Learned State counsel on instructions from ASI Manjit Singh, at the very outset informs the Court that the appellants have joined the investigation and their custodial interrogation is not required.

Learned counsel for the complainant has vehemently opposes the prayer made by counsel for the appellants on the ground that Harvinder Singh has committed another offence during the pendency of the present appeal, whereas, the complicity of Balkar Singh is duly established on the basis of CCTV footage.

In view of the statement of learned State counsel, order dated 29.05.2025 is hereby made absolute. The appellants shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (earlier Section 438(2) Cr.P.C.).

The appeals stand disposed of.

A photo copy of this order be placed on the file of connected case.

(HARPREET SINGH BRAR)
JUDGE

22.07.2025

Neha

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