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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRA-S-3600-2024 (O&M)

Date of Decision: 23.01.2025

Amarprit Singh @ Kala

.....Appellant

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gaurav Datta, Advocate and
Mr. Vaibhav Bhargav, Advocate and
Mr. Rajesh Kumar, Advocate for the appellant.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

Mr. Dhanpat Rai Singla, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present appeal has been filed for quashing of order dated 28.10.2024, passed by learned Special Court, Jalandhar, whereby, application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short, 'the BNSS'*) for grant of pre-arrest bail to the appellant in FIR No.73 dated 10.10.2024, under Sections 115(2), 324(2), 3(5) of BNSS and Sections 3(i)(r) and 3(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC&ST Act'), registered at Police Station Nurmahal, District Jalandhar, was dismissed.

2. Allegations are that appellant along with other co-accused caused injuries to the complainant and used derogatory words against him in the name of caste.

3. Contends that appellant was granted interim bail by the Coordinate Bench, vide order dated 04.12.2024 and in pursuance thereof, he



has already joined the investigation; hence, his custodial interrogation is not required. Further submits that the matter has been amicably settled between the parties.

4. The above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Bodh Raj, and submits that appellant has joined the investigation and his custodial interrogation is not required at this stage.

5. Learned counsel for respondent No.2 has also admitted the factum of compromise effected between the parties and submits that he has no objection, in case, prayer of the appellant is accepted..

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

7. It transpires that appellant was granted interim bail by the Coordinate Bench, vide order dated 04.12.2024 and the order reads as under:-

“Learned counsel appearing for the appellant submits that a compromise has been effected between both the parties and appellant is ready to join the investigation.

Learned counsel appearing for respondent No.2 has not controverted the aforesaid submissions made by learned counsel appearing for the appellant.

In view of the above, appellant is directed to join investigation before the Investigating Agency/Officer. In the event of arrest, the appellant shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. He shall abide by the following conditions as envisaged under Section 482(2) BNSS:-

1) That the appellant shall make himself available for interrogation by a police officer as and when required to do so.

2) That the appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



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*3) That the appellant shall not leave India without prior permission of the Court.
List on 23.01.2025.”*

8. It is duly acknowledged by learned State Counsel that in pursuance of the aforesaid order, appellant has joined investigation and his custodial interrogation is not required.

9. In view of the above, there is no justification to deny the concession of pre-arrest bail to the appellant. Consequently, present appeal is allowed; order dated 28.10.2024 passed by learned Special Court, Jalandhar, is quashed & set aside; and interim order dated 04.12.2024 is made absolute, subject to the conditions as envisaged under Section 482(2) of BNSS.

10. It is also made clear that appellant shall fully co-operate with the Investigating Officer as and when called for further investigation.

11. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the bail matter.

12. Also clarified that in case of any recurrence on the part of appellant, State would be at liberty to move an appropriate application for recalling of this order.

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

23.01.2025

Rajeev (rvs)

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No