

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

**Crl. Misc. No.M-14970 of 2015 (O&M)
Date of decision : 03.08.2015**

Gurbir Singh

.....Petitioners

versus

Paramjit Kaur and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Jai Sukhdeep Khattar, Advocate
for the petitioner.

Mr. Parteek Pandit, Advocate
for respondent no.1.

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ANITA CHAUDHRY, J (ORAL)

Through the instant petition, the petitioner is seeking anticipatory bail in complaint case No.79/3 dated 27.05.2013, under Sections 323, 355, 452, 506 IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 (here-in-after referred to as 'the Act').

A complaint was made to the Punjab State Commission of Scheduled Castes by respondent no.1 Paramjit Kaur. The complaint was forwarded to DGP, Punjab for investigation on 28.05.2013. A report was given that no truth was found in the allegations.

A complaint was filed in the Court and the petitioner had been summoned. Vide order dated 08.05.2015, the petitioner was directed to appear before the Court concerned. The petitioner has appeared and was admitted to interim bail.

The counsel for the respondent-complainant urges that petitioner was not entitled to anticipatory bail in view of the provisions contained in Section 18 of the Act and refers to Vilas Pandurang **Pawar and another Vs. State of Maharashtra and others.**

A reading of the Provisions of the SC/SC Act show that no Court can entertain an application for anticipatory bail, unless it *prima facie* finds that such an offence is not made out.

It is true that the Court is not expected to indulge in critical analysis of the evidence but in the present case, the police had held an inquiry and had found that there was no truth in the complaint and the petitioner was entitled to bail. Therefore, without commenting on the merits of the case, the petition is allowed and order dated 08.05.2015 granting interim bail to the petitioner is made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i)(ii) and (iii) of the Code of Criminal Procedure.

(ANITA CHAUDHRY)
JUDGE

03.08.2015
Sunil