

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18188 of 2015
Date of decision: May 28, 2015

Kaniya Lal and others

.... Petitioners...

Versus

State of Haryana

.... Respondent...

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sandeep Kumar Yadav, Advocate,
for the petitioners.

Jaspal Singh, J. (Oral)

This is a petition under Section 438 of the Code of Criminal Procedure (for short, 'Code') read with Section 482 of the Code moved by Kaniya Lal and others-petitioners, feeling apprehension of their arrest, in case FIR No. 48, dated 09.02.2015, under Sections 148, 149, 323, 382, 452, 427, 506 IPC and Section 3 of Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'Act'), registered at Police Station Nangal Choudhary, District Mohindergarh.

2. Learned counsel for the petitioners *inter alia* contends that petitioners have been falsely implicated in the instant case. In fact, no such occurrence has been taken place on the spot. The provisions of Sections 3 and 4 of the Act are not attracted in this case. However, perusal of FIR itself transpires that there are specific allegations against the petitioners that they barged into the house and broke various

household articles i.e. T.V. etc. and took away valuables articles including cash.

3. At this stage, no opinion can be expressed that case under the provisions of the Act is not made out. In view of the bar created by Section 18 of the Act, instant petition under Section 438 of the Code is not legally maintainable. Accordingly, petition is dismissed. However, petitioners shall be at liberty to appear/surrender before the Id. trial court. In case, petitioner(s) surrender(s) before trial court and moves an application for bail, the same shall be finally disposed of within a period of 7 days, from the date of their surrender.

May 28, 2015
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(JASPAL SINGH)
JUDGE